

**Name of River:** Middle Main Sheep Creek

**Studied:** 5.1 miles, from the canyon rim above Palisades Memorial Park to the confluence with Lodgepole Creek

**Location:**

Middle Main Sheep Creek	Ashley National Forest, Flaming Gorge Ranger District, Daggett County, Utah		Congressional District 2	
	Start	End	Classification	Miles
Segment 1	SE ¼ NW ¼ Sect. 19, T 2 N, R 19 E, SLM	NW ¼ SE ¼ Sect. 3, T 2 N, R 19 E, SLM	Recreational	5.1

This segment has extensive, very steep rugged canyon side slopes with Uinta Mountain Group, Mississippian limestone, Weber sandstone and other various formations. High incidence of faulting provides high diversity of geologic features. Colluvial and debris flows are common along the side canyons and tributaries. The stream itself is relatively confined in a very steep canyon comprised of steep bedrock cliffs. Faulting has created some of the most spectacular bedrock exposures, and the area is part

of the Sheep Creek National Geological Area. Big Spring within this segment contributes flows to the drainage, as is part of an underground karst system. Vegetation is highly variable and related to aspect and geology with Douglas-fir on north aspects and mountain brush, sagebrush, and grass on southerly aspects.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest, July 2005

**Determination of Free-flowing Condition:** The natural stream flow of the river in this segment is unimpaired. The segment is free-flowing.

**Summary of Outstandingly Remarkable Values (ORV):** The scenic, geologic/hydrologic ORVs have been identified as nationally important. The wildlife ORV for this segment has been identified as being regionally important.

**Scenery** – Middle Main Sheep Creek is located within the Sheep Creek Canyon National Geological Area. Steep canyon walls, color variations in geologic features and formations, deciduous trees, riparian vegetation, and forested side slopes attract thousands of regional, national and international visitors to this segment. The Sheep Creek Cave located adjacent to the creek is also an attraction to many visitors.

**Geologic/Hydrologic** – Middle Main Sheep Creek has high-altered stream morphology due to flooding and debris flows. Flash flooding occurred in the 1960's from an ice jam that dammed water and then failed. In the 1980's, a large debris flow came out of Mahogany Draw, scoured the stream, and washed out the road in numerous places. The stream itself is relatively confined in a very steep canyon comprised of steep bedrock cliffs. Faulting has created some of the most spectacular bedrock exposures, and the area is part of the Sheep Creek National Geological Area. Big Spring within this segment contributes flows to the drainage, as is part of an underground karst system.

**Wildlife** – The Townsend's Big-Eared Bat is located in the Big Springs cave during winter months. Numerous other bat species utilize the canyon with a known variety of at least twelve species. The drainage is habitat for Rocky Mountain bighorn sheep. The drainage also provides habitat for Neotropical birds.

## **CLASSIFICATION**

**Basis for the Classification of River** – Recreational

Middle Main Sheep Creek is eligible for the Wild and Scenic River System. It is classified as recreational river.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Flaming Gorge Ranger District, within the Flaming Gorge National Recreation Area.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0-5.1	Ashley National Forest	1632

National Forest System lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values. Minimum lot



size is 40, 80, or 160 acres within these Multiple Use Districts. There are various permitted and conditional uses such as agriculture, forestry, mining, power generation and regulations related to residences. The Uniform Zoning and Subdivision Ordinances for Daggett County are available at <http://www.Daggettcountry.org/DocumentView.asp?DID=8>.

More information on guidance related to land uses can be found in the Daggett County General Plan, available at <http://Daggettcountry.org/DocumentView.asp?DID=61>.

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – One bridge and one small diversion exist on this segment. Channel modifications after past flood events have included rip rap, channel stabilization, debris removal, and channel re-alignment. No potential water development projects are known at this time. The Utah State Water Plan for the Uintah Basin (which includes Daggett County), does not identify any proposed water development projects on this segment. There are no Bureau of Reclamation withdrawn lands along this segment.

Existing diversions in the upstream watershed (out of the eligible segment) include the Lodgepole canal, which diverts water from the North and Middle Forks of Sheep Creek into Lodgepole canyon. This diversion is not always used or active. The Main Fork of Sheep Creek is completely diverted into Long Park Reservoir via the Sheep Creek canal. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

There is one potential water development identified scoping comments from the Utah Div. of Water Resources. This site was studied in a report to the State Engineer, 1944. Hickerson Park (T02N R18E Section 19, Heights of 60 ft and 96 ft, with capacities of 4,000 ac-ft and 8,997 ac-ft respectively). Dam would be on Sheep Creek 6 miles above proposed W&S section. This proposed reservoir is located west of existing Long Park Reservoir and was investigated at the same time. The Long Park site was chosen over this site due to its larger capacity of 14,300 ac-ft. This reservoir could be useful if leaks reappear in Long Park Reservoir.

**Transportation, Facilities, and Other Developments** – Sheep Creek/Spirit Lake Scenic Backway Loop (FDR 218) is located immediately adjacent to the creek for half of its length.

**Grazing Activities** – There are no permitted grazing allotments along this segment.

**Recreation Activities** – This segment receives moderate to heavy recreation use year round. Driving for pleasure, picnicking, hiking, fishing and hunting are the primary uses. Palisades Memorial Park day use area is a popular recreation destination. The segment is also part of a popular cross-country and snowmobiling route during winter months. The segment parallels the Sheep Creek Canyon/Spirit Lake Scenic Backway (FDR 218).

**Other Resource Activities** – This segment is within the Sheep Creek Geologic Area, in a narrow, confined canyon. Past timber harvest has not occurred and is not expected in the future. An historic Civilian Conservation Corp (CCC) site exists near the creek. Due to deterioration and removal of some of the facilities, the site is not eligible for listing to the National Register. Evidence of prehistoric and Native American use of the area is unknown.

**Special Designations** – The Middle Main Sheep Creek segment is almost completely within the Sheep Creek National Geologic Area, which was designated to highlight and protect the unique geologic features of the area. This geologic area was named after the Rocky Mountain Bighorn Sheep that inhabit the area, and is dominated by the Uinta Crest Fault, a section of folded and twisted rock that reveals

millions of years of geological history.

The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription encompasses the lower reaches of the segment, downstream of Palisades Memorial Park day use area.
- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the area upstream of the Palisades Memorial Park day use area.

The Sheep Creek/Spirit Lake Scenic Backway Loop (Forest Development Road 218) is parallel to the majority of this segment. Scenic Backways are paved or improved dirt roads that highlight some of the less visited, yet spectacular features of an area.

This segment is located within the Dutch John Drinking Water Source Protection Zone, as identified by the State of Utah.

There are inventoried roadless areas on both sides of this segment, from the Palisades Memorial Park area downstream to the Forest boundary.

**Socio-Economic Environment** – The two main communities in Daggett County are Manila and Dutch John, with populations of 685 and 204, respectively (2007 estimates). The county is set in a spectacular outdoor setting, where traditional land uses such as agriculture, timber harvest and livestock grazing have been important over time. The economy in Daggett County is based primarily on agriculture, livestock, hay, and alfalfa, but it is also an important producer of electric power for Utah and surrounding states. Dutch John originally provided a living place for those who worked at the Flaming Gorge dam.

The Flaming Gorge National Recreation Area, Sheep Creek Geologic Area, Spirit Lake, the Green River and other outdoor attractions draw visitors to the area. Travel and tourism is an integral part of the local economy. The Flaming Gorge reservoir and the Green river are regional and national attractions. Both the reservoir and the Green River play an integral role in the local socio-economic environment. For example, there are 3 raft rental shops and 3 fly shops that cater to river enthusiasts on the Green River. 1.7 million dollars are brought into the area annually from customers of outfitter guides (13 total) on the Green River.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river,**

**including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in sharing the costs. Local county officials do not support Wild and Scenic designation for this segment, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values.

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, grazing, agriculture, and mining. Designation would be consistent with the protection of land and open space resources, wildlife habitat, avoiding excessive damage to watersheds, water pollution, soil erosion, and danger from fires.

**(3) Support or opposition to designation.**

Comments received during the eligibility study

Daggett County officials and various members of the public were opposed to designation. Some reasons for opposition were potential effects to water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protection of outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, and the protection of river segments within inventoried roadless areas.

Comments received during scoping for the suitability study

Two letters specifically mentioned Middle Main Sheep Creek. One supported designation based on its contribution to river system/basin integrity. The second letter was submitted by Sweetwater County Conservation District on behalf of Sweetwater County and Conservation District and Uinta County Conservation District in Wyoming. It stated that residents of those counties would be affected by designation of the Green River, raised questions about the study process, and requested cooperating agency status for all three entities.

Comments responding to the Draft EIS

Many letters commented that all segments within a single river system should be considered together, like Middle Main Sheep Creek and Lower Main Sheep Creek because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity.

- Existing protections are adequate even outside of Wilderness
- Special designations frequently have unintended consequences
- Widespread belief that existing water rights would be compromised
- Creation of a federal water right, even though junior, is a concern because all water is already allocated or over allocated. Federal right gets in the way of other water users who might need to get in line for the water.
- Preferred alternative has far too few rivers compared to number that are eligible
- Speculative or uncertain development needs should not outweigh other values

None of the organized letter writing campaigns recommended this river segment be found suitable for designation.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in the Sheep Creek Geologic Area, inventoried roadless areas, and the Dutch John Drinking Water Protection Zones.

As discussed in suitability factor (2), designation may be both inconsistent and consistent with county zoning ordinances. The Daggett County General Plan does not specifically address Wild and Scenic River designation, but it does make the following statement about water resources:

“Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. Daggett County desires to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources. The County also feels that private water rights should be protected from encroachment and/or coerced acquisition.”

Further indication of the County’s position regarding Wild and Scenic River designation can be found in an amendment to their General Plan (responding to a BLM Wild and Scenic River study):

“It is Daggett County’s policy that no river segment should be included in the National Wild and Scenic River System unless:

- Water is present and flowing at all times.
- The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.
- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen’s enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Daggett County is a party.
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code ' 63-38d-401(8)(a), as well as the criteria of Daggett County.”

**(5) Contribution to river system or basin integrity.**

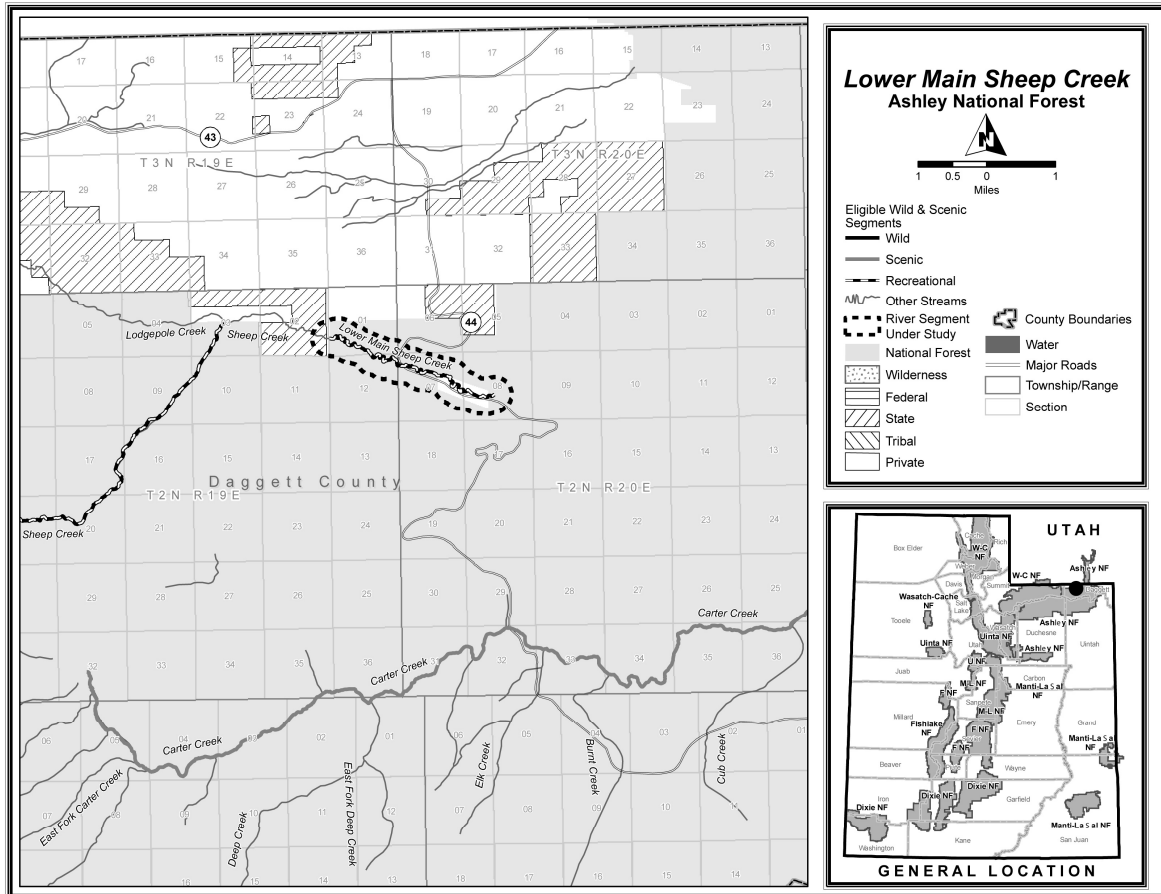
This eligible segment includes a small portion of the Sheep Creek basin, which decreases the ability to design a holistic protection strategy for the entire basin. Basin integrity could be improved by considering the Lower Main Sheep Creek and Middle Main Sheep Creek segments together. Designation would provide a comprehensive and holistic protection strategy with other cooperating agencies and public groups, for the segments that are proposed.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

## Lower Main Sheep Creek Suitability Evaluation Report (SER)



### STUDY AREA SUMMARY

**Name of River Segment:** Lower Main Sheep Creek

**River Mileage:**

Studied: 3.64 miles, from the common boundary of private land and the Ashley National Forest in the SW ¼ Section 1, T.2N. R.19E. to its confluence with Sheep Creek Bay, Flaming Gorge Reservoir.

Eligible: Same

**Location:**

Lower Main Sheep Creek	Ashley National Forest, Flaming Gorge Ranger District, Daggett County, Utah		Congressional District 1	
	Start	End	Classification	Miles
Segment 1	SW ¼ SW ¼ Sect. 1, T 2 N, R 19 E, SLM	NE ¼ SW ¼ Sect. 8, T 2 N, R 20 E, SLM	Recreational	3.64

**Physical Description of River Segment:** The watercourse is located in a broad canyon with high sinuosity, less confinement, and large willow patches. The valley bottom is wider than all other segments in the Sheep Creek drainage, and has very steep canyon side slopes of exposed bedrock. Low gradient and

meandering is dominant in this segment. Lush riparian vegetation, cottonwoods and willows lines Lower Main Sheep Creek for most of its length.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility Determination of Wild and Scenic Rivers, July 2005 (USDA Forest Service 2005)

**Determination of Free-flowing Condition:** Some existing impoundments. The existence of low dams, diversion, or other modifications of the watercourse, provided the watercourse remains free-flowing and generally natural and riverine in appearance. There are three road crossings with bridges and two small diversions. Flows are still considered free flowing.

### **Summary of Outstandingly Remarkable Values:**

**Recreational** – Both the Sheep Creek Canyon/Spirit Lake Scenic Backway (FDR 218) and the Flaming Gorge National Scenic Byway (State Road 44) parallel portions of this segment. Campgrounds and nature trails are located adjacent to the creek and use is moderate to heavy from early June to late October. Recreation opportunities are camping, hiking, fishing, hunting and interpretive sites. The segment is well known for the Kokanee salmon spawning run during fall months and hundreds of visitors come to see the "run" during a three to four week period in September of each year. The segment on National Forest System lands is dedicated to recreation use and forest practices are designed to protect and preserve the existing values. Length of season was rated moderate. Diversity of use, experience quality, associated opportunities, attraction, and sites and facilities were rated high. Access and level of use were rated highly appropriate. Overall rating is high with a regional scale of importance.

**Geologic/Hydrologic** – The watercourse is located east of the Sheep Creek Canyon National Geological Area and exhibits many of the geologic features of the designated National Geological Area. Evidence of the changing geologic landscape, along with the animals that flourished and died there, is preserved in the rocks that form the spectacular scenery of the canyon area. The area showcases examples of deformation dominated by the classic faults and folds. There are spectacular views of geologic formations, fault lines, and ox bows and unusual drainage patterns along the stream course. The area contains most of the nine exposed formations that are found in adjacent National Geological Area, and these formations total nearly 8,000 feet of rock, representing more than 1 billion years of geologic history. The watercourse is located in a broad canyon with high sinuosity, less confinement, and large willow patches. The valley bottom is wider than all other segments in the Sheep Creek drainage, and has very steep canyon side slopes of exposed bedrock. Low gradient and meandering is dominant in this segment. Feature abundance and educational and scientific is rated high. Diversity of features is rated moderate. Overall rating is high with a national scale of importance.

**Fish** – This segment is the only significant Kokanee salmon spawning stream reach in eastern Utah and serves as spawn for reintroduction to other water bodies in the state. It is also a popular recreation fishing area and stocked with non-natives. Habitat quality, value of species, abundance of fish, natural reproduction were rated high. Diversity of species and size and vigor of fish were rated moderate. Overall Rating is high with a regional scale of importance.

**Wildlife** – This area has one of the highest diversity of neotropical-tropical migrants. The watercourse corridor is a critical wintering area for Rocky Mountain bighorn sheep and deer. Bats forage for insects in the watercourse. In addition, the area serves as habitat for bat roosting. Habitat Quality and Diversity of Species were rated high. Abundance of Species was rated low. Overall Rating is high with a regional scale of importance.

**Other Similar Values** – Lower Main of Sheep Creek has mixed narrow leaf cottonwood, blue spruce with

alder, birch, willow as a mid story with sedges, and grasses and forbs as a ground layer. The unit provides high structural diversity, which supports high numbers of species, including bird species. The watercourse is an important area for species migration and genetic interaction of both Kokanee salmon and Neotropical birds. Species diversity, ecological function, and educational and scientific were rated high. Rare communities and features were rated moderate. Overall rating is high with a regional scale of importance.

## **CLASSIFICATION**

### **Basis for the Classification of River Segment:** Recreational

- Some existing impoundments. The existence of low dams, diversion, or other modifications of the watercourse, provided the watercourse remains free-flowing and generally natural and riverine in appearance.
- Some developments, substantial evidence of human activity.
- Readily accessible by road. Sheep Creek/Spirit Lake Scenic Backway Loop (Forest Development Road 218) and Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 44) provide access the watercourse corridor.
- The existence of parallel roads on one or both banks as well as bridge crossings and other river access points.
- Water quality sufficient to maintain outstandingly remarkable values.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Flaming Gorge Ranger District, and is within the Flaming Gorge National Recreation Area.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0-3.64	Ashley National Forest	1164.8

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values. Minimum lot size is 40, 80, or 160 acres within these Multiple Use Districts. There are various permitted and conditional uses such as agriculture, forestry, mining, power generation and regulations related to residences. The Uniform Zoning and Subdivision Ordinances for Daggett County are available at <http://www.daggettcounty.org/DocumentView.asp?DID=8>.

More information on guidance related to land uses can be found in the Daggett County General Plan, available at <http://daggettcounty.org/DocumentView.asp?DID=61>.

**Mineral and Energy Resource Activities** – Although there are no large past or active minerals or energy development activities located adjacent to this river segment, there are large phosphate deposits located nearby, which could be developed and mined in the future. According to the BLM geocommunicator database ([www.geocommunicator.gov](http://www.geocommunicator.gov)), there are two authorized phosphate leases in the area. UTU-0-147257 is inside of the ½ mile river corridor in sections 7 and 8 of T 2 N., R 20 E. UTU-0-026255 is just outside of the ½ mile river corridor in sections 17 and 18 of T 2 N., R 20 E. Wild and Scenic designation could have an effect on these existing phosphate leases.

**Water Resources Development** – There are three road crossings with bridges and two small diversions. Some historic water diversion structures are present, which may be important from a cultural or historic

perspective. No potential water development projects are known at this time. The Utah State Water Plan for the Uintah Basin (which includes Daggett County), does not identify any proposed water development projects on this segment. There are no Bureau of Reclamation withdrawn lands along this segment.

Existing diversions in the upstream watershed (out of the eligible segment) include the Lodgepole canal, which diverts water from the North and Middle Forks of Sheep Creek into Lodgepole canyon. This diversion is not always used or active. The Main Fork of Sheep Creek is completely diverted into Long Park Reservoir via the Sheep Creek canal. Designation into the Wild and Scenic river system does not affect existing valid water rights.

**Transportation, Facilities, and Other Developments** – Sheep Creek/Spirit Lake Scenic Backway Loop (Forest Development Road 218) and Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 44) provide access along the watercourse corridor.

Rights of way— There are two rights of way for roads across this segment. They are both in the name of the State of Utah.

**Grazing Activities** – There are no permitted grazing allotments along this segment.

**Recreation Activities** – Forest Service campground facilities and scenic byway interpretive sites and trails exist along within the corridor of the segment. This area provides an excellent opportunity to view Kokanee Salmon spawning in the fall.

**Other Resource Activities** – Timber harvest has not occurred along this segment and is not expected in the future.

**Special Designations** – This segment is entirely within the Flaming Gorge National Recreation Area (NRA). The legislation establishing this NRA specified three broad missions and management goals. Specifically, these are to administer, protect, and develop the Flaming Gorge National Recreation Area in a manner to best provide for: (1) public outdoor recreation benefits, (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) management, utilization, and disposal of natural resources that will promote or are compatible with, and do not significantly impair the purpose for which the recreation area was established.

The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (r) Wildlife. This management area consists of those lands identified as having special or critical wildlife capabilities in the Flaming Gorge NRA. The objective is to maintain or increase wildlife species diversity and numbers while meeting the direction for protection of recreation and visual resources. The riparian objective is to protect. The management prescription applies to the south of this segment.
- (n<sub>1</sub>) National Recreation Area – Existing Situation. These are lands in the NRA that have the existing low management prescription applied. Activities and practices recognize and emphasize the recreation and wildlife values within the NRA. Standards and guidelines are modified to comply with Public Law 90-540. The riparian objective is to protect. This management prescription encompasses the majority of the stream corridor, and areas to the north.

The Sheep Creek/Spirit Lake Scenic Backway Loop (Forest Development Road 218) provides access along the stream corridor. Scenic Backways are paved or improved dirt roads that highlight some of the less visited, yet spectacular features of an area.

The Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 44) crosses the stream corridor.



The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration. The program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States (<http://www.byways.org/learn/>).

This segment is located within the Dutch John Drinking Water Source Protection Zone, as identified by the State of Utah.

Upstream of the Highway 44, Lower Main Sheep Creek is within an inventoried roadless area.

**Socio-Economic Environment** – The two main communities in Daggett County are Manila and Dutch John, with populations of 685 and 204, respectively (2007 estimates). The county is set in a spectacular outdoor setting, where traditional land uses such as agriculture, timber harvest and livestock grazing have been important over time. The economy in Daggett County is based primarily on agriculture, livestock, hay, and alfalfa, but it is also an important producer of electric power for Utah and surrounding states. Dutch John originally provided a living place for those who worked at the Flaming Gorge dam.

The Flaming Gorge National Recreation Area, Sheep Creek Geologic Area, Spirit Lake, the Green River and other outdoor attractions draw visitors to the area. Travel and tourism is an integral part of the local economy. The Flaming Gorge reservoir and the Green river are regional and national attractions. Both the reservoir and the Green River play an integral role in the local socio-economic environment. For example, there are 3 raft rental shops and 3 fly shops that cater to river enthusiasts on the Green River. 1.7 million dollars are brought into the area annually from customers of outfitter guides (13 total) on the Green River.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

### **SUITABILITY FACTOR ASSESSMENT**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation for this segment, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion,

danger from brush land fires, damage to grazing, livestock raising, and to wildlife values.

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, grazing, agriculture, and mining. Designation would be consistent with the protection of land and open space resources, wildlife habitat, avoiding excessive damage to watersheds, water pollution, soil erosion, and danger from fires.

### **(3) Support or opposition to designation.**

#### Comments received during the eligibility study:

Daggett County officials and various members of the public were opposed to designation. Some reasons for opposition were potential effects to water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protection of outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, and the protection of river segments within inventoried roadless areas.

#### Comments received during scoping for the suitability study:

Two letters specifically mentioned Lower Main Sheep Creek. One expressed support for designation based on its contribution to river system/basin integrity. The second letter was submitted by Sweetwater County Conservation District on behalf of Sweetwater County and Conservation District and Uinta County Conservation District in Wyoming. It stated that residents of those counties would be affected by designation of the Green River, raised questions about the study process, and requested cooperating agency status for all three entities.

#### Comments responding to Draft EIS

Many letters commented that all segments within a single river system should be considered together, like Middle Main Sheep Creek and Lower Main Sheep Creek because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity.

- Existing protections are adequate even outside of Wilderness
- Special designations frequently have unintended consequences
- Widespread belief that existing water rights would be compromised
- Creation of a federal water right, even though junior, is a concern because all water is already allocated or over allocated. Federal right gets in the way of other water users who might need to get in line for the water.
- Preferred alternative has far too few rivers compared to number that are eligible
- Speculative or uncertain development needs should not outweigh other values

Of the three organized campaign responses none supported a positive suitability finding for this segment.

### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in the NRA, inventoried roadless areas, and the Dutch John Drinking Water Protection Zone.

Designation would also be consistent with the Utah Division of Wildlife Resources emphasis on maintaining high quality wildlife for bighorn sheep and fisheries habitat for trout and kokanee salmon.

As discussed in suitability factor (2), designation may be both inconsistent and consistent with county zoning ordinances. The Daggett County General Plan does not specifically address Wild and Scenic River designation, but it does make the following statement about water resources:

“Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. Daggett County desires to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources. The County also feels that private water rights should be protected from encroachment and/or coerced acquisition.”

Further indication of the County’s position regarding Wild and Scenic River designation can be found in an amendment to their General Plan (responding to a BLM Wild and Scenic River study):

“It is Daggett County’s policy that no river segment should be included in the National Wild and Scenic River System unless:

- Water is present and flowing at all times.
- The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.
- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen’s enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Daggett County is a party.
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code ' 63-38d-401(8)(a), as well as the criteria of Daggett County.”

**(5) Contribution to river system or basin integrity.**

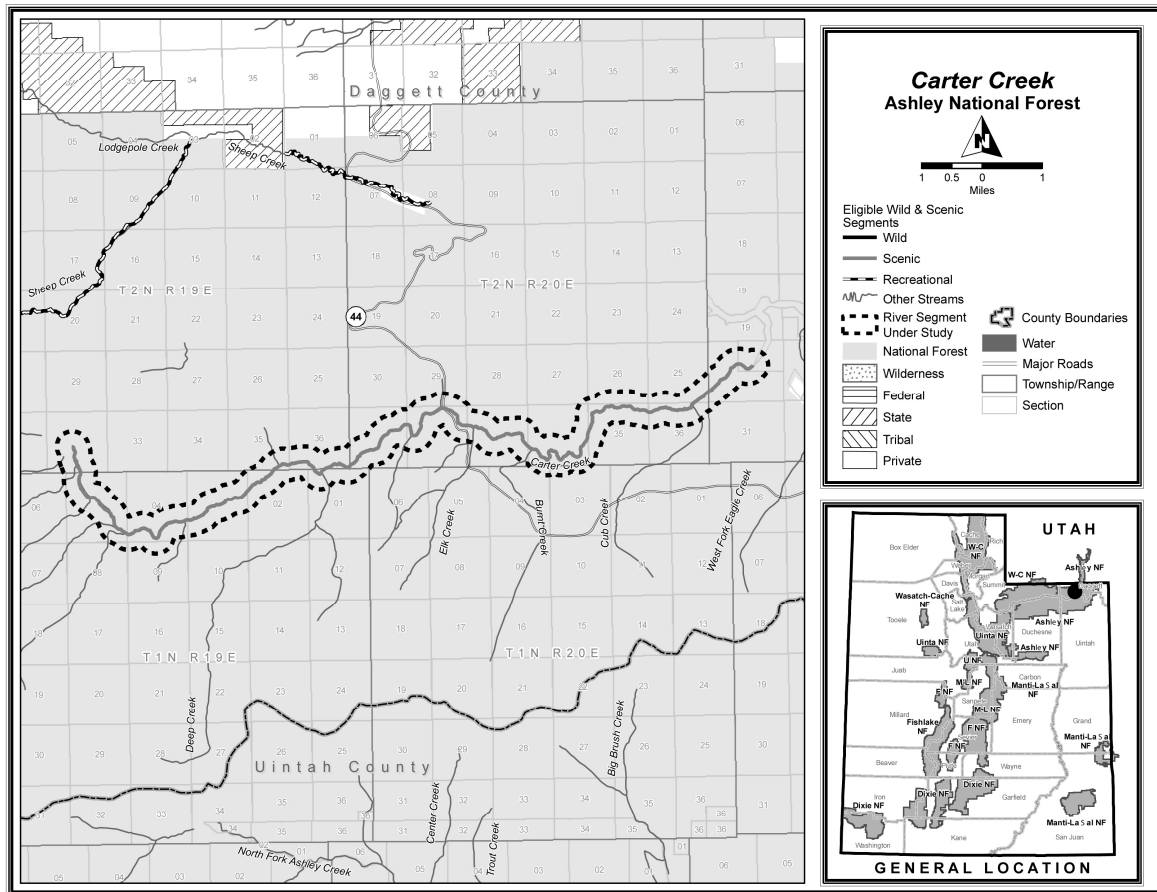
This eligible segment includes a small portion of the Sheep Creek basin, which decreases the ability to design a holistic protection strategy for the entire basin. Basin integrity could be improved by considering the Lower Main Sheep Creek and Middle Main Sheep Creek segments together. Designation would provide a comprehensive and holistic protection strategy with other cooperating agencies and public groups, for the segments that are proposed.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

## Carter Creek Suitability Evaluation Report (SER)



### STUDY AREA SUMMARY

**Name of River:** Carter Creek

**River Mileage:**

Studied: 15.89 miles, from the Browne Lake dam to the point of entry into Flaming Gorge Reservoir.

Eligible: Same

**Location:**

Carter Creek	Ashley National Forest, Flaming Gorge Ranger District, Daggett County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NE ¼ SW ¼ Sect. 32, T 2 N, R 19 E, SLM	SW ¼ NE ¼ Sect. 30, T 2 N, R 21 E, SLM	Scenic	15.89

### **Physical Description of River Segment:**

The upper creek areas run through small meadows. Carter Creek then enters a shallow canyon area with lush riparian vegetation along the stream banks and mixed conifer, aspen and sagebrush on adjacent side slopes. From the crossing at Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 44) to the Flaming Gorge Reservoir, Carter Creek is located in a steep canyon, lined with rock outcrops and

cliffs. Steep Canyon side slopes of exposed Uinta Mountain group keep this segment relatively confined. Steep gradients, debris jams, large boulders, and very rugged topography characterize this segment. This segment is very stable and not subject to bank destabilization.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility Determination of Wild and Scenic Rivers, July 2005 (USDA Forest Service 2005)

**Determination of Free-flowing Condition:** Water quality sufficient to maintain outstandingly remarkable values. The two bridge crossings on Carter Creek do not reduce or adversely affect natural flows. No diversions exist on either segment.

**Determination of Outstandingly Remarkable Values (ORV):**

**Historic** – The historic Carter Military Pass Road crosses through the upper portion of the segment. Some bedrock road cuts are evident. The upper portion of the drainage is also a significant historic district for work and facilities accomplished by the Civilian Conservation Corps.

**Cultural** – Archaic, Fremont and late prehistoric sites exist within the corridor. Some of these sites are eligible for listing to the National Register. The Carter Creek granary at the mouth of the creek is a significant archaeological site. There are also significant rock shelters and storage features within the upper, middle and lower canyon areas of Carter Creek.

## **CLASSIFICATION**

**Basis for the Classification of River Segment:** Scenic

- Free of impoundments.
- Largely primitive and undeveloped. No substantial evidence of human activity.
- Accessible in places by roads.
- Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads. The historic Carter Military Pass Road also crosses through the upper portion of the segment. Some bedrock road cuts are evident. Evidence of roads and rock retaining walls constructed by the Civilian Conservation Corps exist in the upper and portion of the segment. Portions of the roads and retaining walls still serve and are part of the existing road access in the corridor of the creek. Two road bridge crossings exist, one in the upper half of the segment (Forest Development Road 539) and the other at the crossing of the Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 44).
- Water quality sufficient to maintain outstandingly remarkable values.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Flaming Gorge Ranger District, and is within the Flaming Gorge National Recreation Area.

River Mile	Ownership	Acres
0-15.89	Ashley National Forest	5084.8

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion,

danger from brush land fires, damage to grazing, livestock raising, and to wildlife values. Minimum lot size is either 40, 80, or 160 acres within these Multiple Use Districts. There are various permitted and conditional uses such as agriculture, forestry, mining, power generation and regulations related to residences. The Uniform Zoning and Subdivision Ordinances for Daggett County are available at <http://www.daggettcountry.org/DocumentView.asp?DID=8>.

More information on guidance related to land uses can be found in the Daggett County General Plan, available at <http://daggettcountry.org/DocumentView.asp?DID=61>.

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no dams or diversions within the eligible corridor, but there are water developments in the upstream area that have an influence on flows in Carter Creek. Sheep Creek Canal diverts the entire flow of several tributaries to Carter Creek, including East Fork, Middle Fork, West Fork, Weyman Creek, South Fork Beaver Creek, and Beaver Creek. Flows from these tributaries are diverted out of the Carter Creek drainage and into Long Park Reservoir. A canal maintained by the Utah Division of Wildlife Resources diverts flows out of South Fork Beaver Creek and Beaver Creek into Sheep Creek Lake, which is maintained as a flow through reservoir for Colorado Cutthroat brood stock. Browne Lake Reservoir is just upstream of the eligible segment and is also operated by the Utah Division of Wildlife Resources as a flow through reservoir, so it does not have an effect on downstream flows. Wild and Scenic designation is not expected to have an adverse effect on these existing diversion and storage developments.

There are Bureau of Reclamation withdrawn lands associated with the Flaming Gorge reservoir that extend from the confluence with the reservoir upstream for approximately 1 mile (Section 30 T N 2, R 21 E SLM).

There are two bridge crossings (forest road 539 and Highway 44) within the eligible segment, but they do not reduce or adversely affect natural flows. No future or potential water developments within the eligible river corridor are known at this time. The Utah State Water Plan for the Uintah Basin (which includes Daggett County), does not identify any proposed water development projects on this segment. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – Two road bridge crossings exist, one in the upper half of the segment (Forest Development Road 539) and the other at the crossing of the Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 44). Parking areas exist at both these crossings. The Lost Springs Trail (007) parallels the upper half of the creek, while steep canyon east of State Highway 44 is relatively inaccessible. One trail access point (Carter Creek Trail) exists in this canyon area near Meadow Park. The Carter Creek Trail connects lower Carter Creek with the popular Hideout Canyon Boat Camp on the Flaming Gorge Reservoir.

The historic Carter Military Pass Road also crosses through the upper portion of the segment. Some bedrock road cuts are evident. There are also the remnants of an historic cabin and ditch at Young Springs.

**Grazing Activities** – The Lonesome Park allotment is downstream of Highway 44, but due to the rugged nature of the canyon, there is no grazing use along the river corridor. The Sheep Creek Mountain allotment is upstream of Highway 44, which permits 173 cow/calf pairs from June 20 – September 15. Grazing in this area occurs between the Deep Creek confluence to within ¼ mile of Browne Reservoir.

An enclosure has been in place for 12 years along the meadow segment below Browne Reservoir.

**Recreation Activities** – Fishing and hiking are the major uses along the creek. Deep Creek Campground is located next to the creek at the crossing of Forest Development Road 539, and is a favorite campground of local residents. The terminus of the creek in Flaming Gorge Reservoir is a very popular fishing spot for boaters on the reservoir.

**Other Resource Activities** – Past timber harvest has occurred in the upper portions of this watershed. There is a potential for future timber harvest, but it would not be expected along the river corridor.

**Special Designations** – The lower half of this segment (from the confluence with Flaming Gorge reservoir to one mile upstream of the Highway 44 crossing) is within the Flaming Gorge National Recreation Area (NRA). The legislation establishing this NRA specified three broad missions and management goals. Specifically, these are to administer, protect, and develop the Flaming Gorge National Recreation Area in a manner to best provide for: (1) public outdoor recreation benefits, (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) management, utilization, and disposal of natural resources that will promote or are compatible with, and do not significantly impair the purpose for which the recreation area was established.

The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the majority of the upper half of this segment.
- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription encompasses a small portion of the stream corridor about 1 mile downstream of Browne reservoir.
- (b) Moderate Timber Production. This prescription only applies to a small sliver (approximately 100 yards) that is within the ½ mile river corridor near the crossing of Forest Development Road 539.
- (r) Wildlife. This management area consists of those lands identified as having special or critical wildlife capabilities in the Flaming Gorge NRA. The objective is to maintain or increase wildlife species diversity and numbers while meeting the direction for protection of recreation and visual resources. The riparian objective is to protect. The management prescription applies to the segment for one mile upstream of the Highway 44 crossing.
- (n<sub>1</sub>) National Recreation Area – Existing Situation. These are lands in the NRA that have the existing low management prescription applied. Activities and practices recognize and emphasize the recreation and wildlife values within the NRA. Standards and guidelines are modified to comply with Public Law 90-540. The riparian objective is to protect. This management prescription encompasses the lower half of this segment, downstream of the Highway 44 crossing.

The Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 44) crosses the stream corridor. The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration. The program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States (<http://www.byways.org/learn/>).

This segment is located within the Dutch John Drinking Water Source Protection Zone, as identified by the State of Utah.

The portions of this segment between Browne reservoir and Forest Road 539, and downstream of Highway 44 are within inventoried roadless areas.

**Socio-Economic Environment** – The two main communities in Daggett County are Manila and Dutch John, with populations of 685 and 204, respectively (2007 estimates). The county is set in a spectacular outdoor setting, where traditional land uses such as agriculture, timber harvest and livestock grazing have been important over time. The economy in Daggett County is based primarily on agriculture, livestock, hay, and alfalfa, but it is also an important producer of electric power for Utah and surrounding states. Dutch John originally provided a living place for those who worked at the Flaming Gorge dam.

The Flaming Gorge National Recreation Area, Sheep Creek Geologic Area, Spirit Lake, the Green River and other outdoor attractions draw visitors to the area. Travel and tourism is an integral part of the local economy. The Flaming Gorge reservoir and the Green river are regional and national attractions. Both the reservoir and the Green River play an integral role in the local socio-economic environment. For example, there are 3 raft rental shops and 3 fly shops that cater to river enthusiasts on the Green River. 1.7 million dollars are brought into the area annually from customers of outfitter guides (13 total) on the Green River.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in sharing the costs. Local county officials do not support Wild and Scenic designation for this segment, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values.

Wild and Scenic designation could be inconsistent with the stated purposes of forestry, grazing, agriculture, and mining. Designation would be consistent with the protection of land and open space resources, wildlife habitat, avoiding excessive damage to watersheds, water pollution, soil erosion, and danger from fires.



### **(3) Support or opposition to designation.**

#### Comments received during the eligibility study:

Daggett County officials and various members of the public were opposed to designation. Some reasons for opposition were potential effects to water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protection of outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, and the protection of river segments within inventoried roadless areas.

#### Comments received during scoping for the suitability study:

Two scoping letters specifically mentioned Carter Creek: one supported designation based on “remarkable values” and lack of suitability conflicts; the other stated that residents of Sweetwater and Uinta Counties in Wyoming were affected by management of Carter Creek, raised questions about the study process, and requested cooperating agency status for those Counties and Conservation Districts.

#### Comments received responding to the Draft EIS

Of the three organized campaign responses none supported a positive suitability finding for this segment.

### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in the NRA, inventoried roadless areas, and the Dutch John Drinking Water Protection Zone.

Designation would also be consistent with the Utah Division of Wildlife Resources emphasis on maintaining high quality wildlife and fisheries habitat. Designation would complement the ongoing efforts to maintain Colorado Cutthroat trout brood stock in Sheep Creek Lake (upstream of this segment)

As discussed in suitability factor (2), designation may be both inconsistent and consistent with county zoning ordinances. The Daggett County General Plan does not specifically address Wild and Scenic River designation, but it does make the following statement about water resources:

“Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. Daggett County desires to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources. The County also feels that private water rights should be protected from encroachment and/or coerced acquisition.”

Further indication of the County’s position regarding Wild and Scenic River designation can be found in an amendment to their General Plan (responding to a BLM Wild and Scenic River study):

“It is Daggett County’s policy that no river segment should be included in the National Wild and Scenic River System unless:

- Water is present and flowing at all times.
- The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.
- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen’s

enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Daggett County is a party.

- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code ' 63-38d-401(8)(a), as well as the criteria of Daggett County.”

**(5) Contribution to river system or basin integrity.**

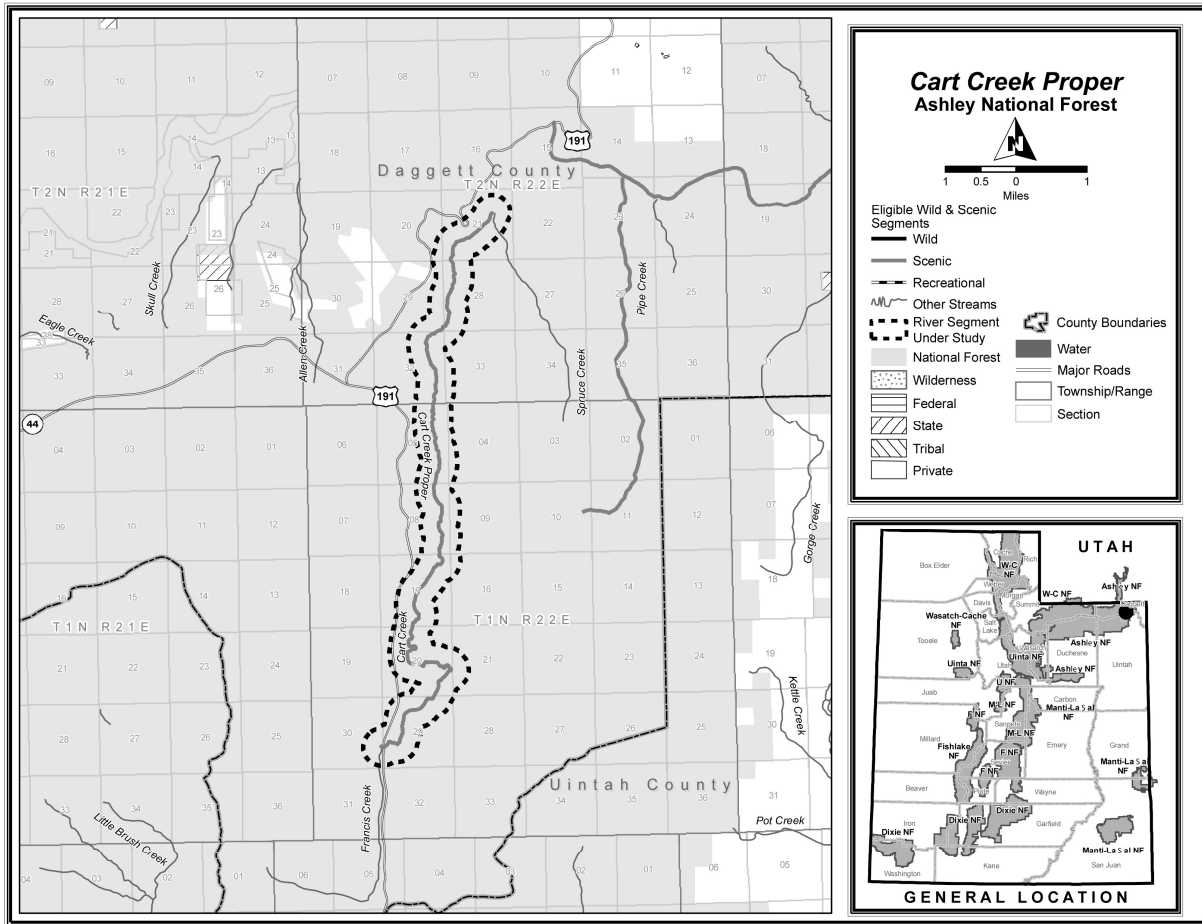
A large portion the Carter Creek headwaters were not found eligible for designation, which decreases the ability to design a holistic protection strategy for the entire basin. For the segment that is proposed, designation would provide a comprehensive and holistic protection strategy with other cooperating agencies and public groups.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

## Cart Creek Proper Suitability Evaluation Report (SER)



### STUDY AREA SUMMARY

**Name of River:** Cart Creek Proper

**River Mileage:**

Studied: 10.19 miles, from the confluence of Francis and Cart Creeks, just upstream of State Highway 191 to the point of entry into Flaming Gorge Reservoir.

Eligible: Same

**Location:**

Cart Creek Proper	Ashley National Forest, Flaming Gorge Ranger District, Daggett County, Utah		Congressional District 1	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	SW ¼ SW ¼ Sect. 30, T 1 N, R 22 E, SLM	SW ¼ NE ¼ Sect. 21, T 2 N, R 22 E, SLM	Scenic	10.19

**Physical Description of River Segment:**

Cart Creek Proper descends from a meadow environment through a shallow then deeply incised canyon to an eventual terminus point at Flaming Gorge Reservoir. The canyon topography is rugged with mixed

coniferous vegetation on the slopes, interspersed with several talus slopes and rock outcrops. A diverse ribbon of riparian vegetation exists along the stream corridor. The Creek is confined in a steep canyon on the Uinta Mountain Group with a high complexity of pools, boulders, and debris jams. Flooding is common, but the stream itself is very resistant to bank erosion.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility Determination of Wild and Scenic Rivers, July 2005 (USDA Forest Service 2005)

**Determination of Free-flowing Condition:** Water quality sufficient to maintain outstandingly remarkable values. The road crossing does not impair flows and there are no diversions.

**Determination of Outstandingly Remarkable Values:**

**Cultural** – Archaic, Fremont and late prehistoric sites (granary and rock shelters) have been located near the creek. The sites are in good condition and eligible for listing to the National Register. Significance, Number of Cultures, Education/Interpretation, and Listing/Eligibility were rated high. Current Uses was rated low. Site Integrity was rated moderate. Overall Rating is high with a regional Scale of Importance.

## **CLASSIFICATION**

**Basis for the Classification of River Segment:** Scenic

- Free of impoundments.
- Largely primitive and undeveloped. No substantial evidence of human activity.
- Evidence of past logging or ongoing timber harvest, provided the forest appears natural from the riverbank.
- Accessible in places by roads. The Flaming Gorge-Uintas National Scenic Byway and Forest Development Road 049 cross the upper end of the segment. From that point on, steep canyon terrain prohibits vehicle and trail access.
- Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads.
- Water quality sufficient to maintain outstandingly remarkable values.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, beginning on the Vernal Ranger District and ending on the Flaming Gorge Ranger District (within the Flaming Gorge National Recreation Area).

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0-10.19	Ashley National Forest	3260.8

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values. Minimum lot size is either 40, 80, or 160 acres within these Multiple Use Districts. There are various permitted and conditional uses such as agriculture, forestry, mining, power generation and regulations related to residences. The Uniform Zoning and Subdivision Ordinances for Daggett County are available at <http://www.daggettcountry.org/DocumentView.asp?DID=8>.

More information on guidance related to land uses can be found in the Daggett County General Plan, available at <http://daggettcountry.org/DocumentView.asp?DID=61>.

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no existing water developments (dams, diversions or channel modifications) on this segment. No future or potential water developments within the river corridor are known at this time. The Utah State Water Plan for the Uintah Basin (which includes Daggett County), does not identify any proposed water development projects on this segment. There are Bureau of Reclamation withdrawn lands associated with the Flaming Gorge reservoir that extend from the confluence with the reservoir approximately  $\frac{3}{4}$  of a mile. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – The Flaming Gorge-Uintas National Scenic Byway (Utah State Highway 191) and Forest Development Road 049 cross the upper end of the segment. From that point on, steep canyon terrain prohibits vehicle and trail access. Lodgepole Campground is located within several hundred feet of the upper end of the segment.

**Grazing Activities** – Cart Creek creates a boundary between grazing allotments, but due to the rugged topography and limited access, no grazing use occurs in the river corridor. The McKee Draw sheep allotment on the Vernal Ranger District is in the headwaters of Cart Creek, but it has been vacant for four years, and use is not expected in the future.

**Recreation Activities** – Most recreation use occurs in the upper portion of the segment and is associated with fishing, developed and dispersed camping, hiking, and hunting. Some cross-country skiing and snowmobiling also occurs in the upper segment area during winter months.

**Other Resource Activities** – No timber harvest has occurred along the river corridor, but past harvest has occurred in the upper watershed and could potentially occur in the future. Recent salvage logging activities are evident on the lower slopes of the surrounding mountains.

**Special Designations** – The lower 2.1 miles of this segment are within the Flaming Gorge National Recreation Area (NRA). The legislation establishing this area specified three broad missions and management goals. Specifically, these are to administer, protect, and develop the Flaming Gorge National Recreation Area in a manner to best provide for: (1) public outdoor recreation benefits, (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) management, utilization, and disposal of natural resources that will promote or are compatible with, and do not significantly impair the purpose for which the recreation area was established.

The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the majority of the segment outside of the NRA.
- (f) Dispersed Recreation Road. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription applies to some scattered areas

outside of the NRA.

- (n<sub>1</sub>) National Recreation Area – Existing Situation. These are lands in the NRA that have the existing low management prescription applied. Activities and practices recognize and emphasize the recreation and wildlife values within the NRA. Standards and guidelines are modified to comply with Public Law 90-540. The riparian objective is to protect. This management prescription encompasses the majority of the area within the NRA.
- (r) Wildlife. This management area consists of those lands identified as having special or critical wildlife capabilities in the Flaming Gorge NRA. The objective is to maintain or increase wildlife species diversity and numbers while meeting the direction for protection of recreation and visual resources. The riparian objective is to protect. The management prescription applies to a small area near the confluence with Flaming Gorge reservoir.

The Flaming Gorge/Uintas National Scenic Byway (Utah State Highway 191) crosses the stream corridor at the beginning of this segment. The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration. The program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States (<http://www.byways.org/learn/>).

This segment is located within the Dutch John Drinking Water Source Protection Zone, as identified by the State of Utah.

Almost the entire length of this segment downstream of the Highway 191 crossing is within inventoried roadless areas.

**Socio-Economic Environment** – The two main communities in Daggett County are Manila and Dutch John, with populations of 685 and 204, respectively (2007 estimates). The county is set in a spectacular outdoor setting, where traditional land uses such as agriculture, timber harvest and livestock grazing have been important over time. The economy in Daggett County is based primarily on agriculture, livestock, hay, and alfalfa, but it is also an important producer of electric power for Utah and surrounding states. Dutch John originally provided a living place for those who worked at the Flaming Gorge dam.

The Flaming Gorge National Recreation Area, Sheep Creek Geologic Area, Spirit Lake, the Green River and other outdoor attractions draw visitors to the area. Travel and tourism is an integral part of the local economy. The Flaming Gorge reservoir and the Green river are regional and national attractions. Both the reservoir and the Green River play an integral role in the local socio-economic environment. For example, there are 3 raft rental shops and 3 fly shops that cater to river enthusiasts on the Green River. 1.7 million dollars are brought into the area annually from customers of outfitter guides (13 total) on the Green River.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

## **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in sharing the costs. Local county officials do not support Wild and Scenic designation for this segment, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values.

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, grazing, agriculture, and mining. Designation would be consistent with the protection of land and open space resources, wildlife habitat, avoiding excessive damage to watersheds, water pollution, soil erosion, and danger from fires.

**(3) Support or opposition to designation.**

Comments received during the eligibility study:

Daggett County officials and various members of the public were opposed to designation. Some reasons for opposition were potential effects to water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protection of outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, and the protection of river segments within inventoried roadless areas.

Comments received during scoping for the suitability study:

Two scoping letters specifically mentioned Cart Creek: one expressed support for designation based on "remarkable values" and lack of suitability conflicts; the other stated that residents of Sweetwater and Uinta Counties in Wyoming were affected by management of Cart Creek, raised questions about the study process, and requested cooperating agency status for those Counties and Conservation Districts.

Comments received in response to the draft EIS

Of the three organized campaign responses none supported a positive suitability finding for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in the NRA, inventoried roadless areas, and the Dutch John Drinking Water Protection Zone.

As discussed in suitability factor (2), designation may be both inconsistent and consistent with county zoning ordinances. The Daggett County General Plan does not specifically address Wild and Scenic River designation, but it does make the following statement about water resources:

“Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. Daggett County desires to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources. The County also feels that private water rights should be protected from encroachment and/or coerced acquisition.”

Further indication of the County’s position regarding Wild and Scenic River designation can be found in an amendment to their General Plan (responding to a BLM Wild and Scenic River study):

“It is Daggett County’s policy that no river segment should be included in the National Wild and Scenic River System unless:

- Water is present and flowing at all times.
- The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.
- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen’s enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Daggett County is a party.
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code ' 63-38d-401(8)(a), as well as the criteria of Daggett County.”

**(5) Contribution to river system or basin integrity.**

Designation would provide a comprehensive and holistic protection strategy with other cooperating agencies and public groups, for the segment that is proposed. Basin integrity could be improved by including the headwaters of Cart Creek, including Francis Creek, but these areas were not found eligible for designation.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest for public volunteers, partnerships or stewardship commitments.



[illegible]

**Name of River:** Green River

Studied: 12.60 miles, from the Flaming Gorge Dam outlet works to the boundary of the Ashley National Forest.

**Location:**

Green River	Ashley National Forest, Flaming Gorge Ranger District, Daggett County, Utah		Congressional District UT -2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NW ¼ NE ¼ Sect. 15, T 2 N, R 22 E, SLM	SE ¼ SE ¼ Sect 19, T 2 N, R 24 E, SLM	Scenic	12.60

This segment flows through a deep, narrow canyon. Slope gradient is from 45 to 80 percent, with many sheer cliffs. There are occasional steep breaks along the river and small side drainages. Most of the total

stream flow is provided by runoff of melting snow in the high mountains of the Uinta Range in northeastern Utah and the Wyoming and Wind River Ranges of west central Wyoming. Flows are now controlled by operations of the Flaming Gorge Dam and Reservoir. Pre-dam peak flows were typically 10,000 to 20,000 cubic feet per second (cfs), while base flows were typically 800 to 1,000 cfs. Typical flows in the segment below Flaming Gorge Dam between the mid-1960's and the early 1990's during the base flow period were 2,000 to 3,000 cfs. From 1992 to present, the dam has been operated to meet the requirement of the four endangered fish in the river segments beyond the National Forest boundary. This is being done by releasing peak flows that more closely resemble pre-dam conditions.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility Determination of Wild and Scenic Rivers, July 2005 (USDA Forest Service 2005)

**Determination of Free-flowing Condition:** The segment begins immediately below Flaming Gorge Dam. There are no diversions or significant channel modifications from the outlet works of the dam to the National Forest/Flaming Gorge National Recreation boundary.

### **Summary of Outstandingly Remarkable Values:**

**Scenic** – The Green River provides a unique up close and background view of steep and colorful cliffs that are intersected by slopes of various steepness and texture. The cliffs are either up close at the waters edge or off in the distance above the immediate river gorge. These views are contrasted with the view of Flaming Gorge Dam from below at the beginning of this river segment. The foreground view of the river is one of differing riparian vegetation at the water's edge that contrasts with more xeric vegetation as you move up the slopes along the river.

The crystal clear water of the river provides a dramatic contrast to the red canyon walls and cliffs especially when the canyon straightens and the river can be viewed for an extended distance. Rock outcrops along the inner canyon rim seem to extend out over the river. The views of calm sections of the river are interrupted by the appearance of a disappearing river as one floats closer to a rapid and its drop in elevation. Large boulders in the river are also a special feature of the river.

Cottonwoods and willows, along with other riparian vegetation, provide a change in the scenery as the seasons change. The contrast between winter snow, the clear bluish water, and the red cliffs is striking. Fall colors of cottonwoods, willows, aspen higher up on the slopes, and Ponderosa pine along the river contribute to dramatic scenery in the fall. Steep, vertical sandstone spires, escarpments of 400-800 feet (Organ Rock formation), deep gorges, and flat, narrow valley bottoms characterize this watercourse. Erosion has produced highly scenic rock outcrops and alcoves along the canyon walls. Views are expansive and unobstructed within the canyon.

The Flaming Gorge Dam and the Little Hole National Recreation Trail (sections of natural trail with sections of boardwalks extending out into the river) add to the dramatic scenery of the Green River. The dam and its related power generation structures provide a unique visual experience. On rare occasions when jet tube water releases from Flaming Gorge Dam occur, the experience is world class. Diversity of View and Special Features were rated high. Seasonal Variations was rated low. Cultural Modifications was rated appropriate. Overall Rating is high with a national Scale of Importance.

**Recreational** – The Green River has an extended season of use 365 days a year. Hiking, fishing (both from watercraft or from the shore), rafting (generally in every season other than winter), sight seeing and biking (all seasons but summer) all occur during most seasons of the year. The 365 days a year aspect of the river allows for year round operation of businesses providing recreational services.

The Green River provides a unique opportunity for world class fishing from either a watercraft or from the shore, recreational rafting that combines non-technical whitewater rafting to leisurely floating, hiking and biking along the Little Hole National Recreation Trail, picnicking at the Little Hole Boat Ramp and Picnic area (Little Hole) or access to the river via 4-wheeled drive vehicles across from Little Hole. The river is enjoyed by individuals, families, large youth groups taking care of themselves or by persons with hired outfitters or guides. Photography and sight seeing from the Spillway Boat Ramp, several dam or river overlooks, or from Little Hole are all excellent. Driftboats, rafts, kick boats, canoes and kayaks are commonly used.

World-class fishing generally provides the highest recreational experience on the river. People come from all over the world to fish the Green River. Recreational rafters (mostly families and youth groups) return year after year. Hikers and bikers, rather they are fishing or not, all have an outstanding experience. Surveys determining the quality of visitor experience are all high.

Access is provided by the Flaming Gorge/Uintas National Scenic Byway (US Highway 191) which travels over the dam and provides a unique experience just coming to the river. The access road from the highway to the river, a short 1 mile section of windy road with rock outcrops that extend out over the road, also provide a memorable experience. This segment has “highly acceptable” access with two launches areas (Spillway and Little Hole), and one take out area (Little Hole). Access is controlled and managed carefully to make sure users do not crowd the launch and takeout areas. Parking areas for autos and trailers are provided, along with launching facilities, restrooms, and signing. Boat ramps just below the dam and seven miles downstream at Little Hole provide excellent access for boat and raft launching or retrieval. Access to Little Hole also travels through the 2002 Mustang Burn which provides a unique contrast to the river corridor below.

An appropriate level of use during most seasons of the year occurs on the Green River. Crowding may occur during the summer during weekend and especially holiday weekends. For the youth groups that float the river, the interaction (water fights) with other groups is generally popular. Use occurs simultaneously with fishermen, hikers, rafters and sight seers. During week days and non-summer months, use is extensive but still allows for the kind of experience sought. Solitude can still be enjoyed.

The Green River provides for a wide range of activities. This ranges from those who view the river below from the dam or one of the several dam and river overlooks, to those who float the river enjoying the world class fishing, floating the rapids, or just enjoying the scenery. Hikers can hike either way up or down the river. Picnicking can occur at any one of the numerous beaches along the river. And of course, sight seeing can occur just about anywhere.

The world class fishing opportunities on the Green River attract fishermen from all over the world. Generally these persons contract with numerous outfitters and guides to float the river. Fish densities on the Green River are some of the highest in the world. Fish size is exceptional. The Green River is a well-known river-running destination for visitors from outside the local geographic area. Many visitors from the Salt Lake City County, Utah County, Davis County, and Cache County, as well as places in Wyoming and Colorado come to the Green River for its water recreation.

The Spillway access road, boat ramp and restrooms provides a highly appropriate starting point for enjoying the Green River. Even sight seers who aren't floating the river enjoy the ride down to explore the spillway area and just view the river and dam from below. The Little Hole Trail has either a natural or boardwalk footing and travels seven miles to Little Hole. Dam and river overlooks provide a great opportunity to view both features. The Little Hole Picnic area and boat ramps provides excellent facilities to end your float trip or begin one. Length of Season, Diversity of Use, Experience Quality, Associated Opportunities, Attraction, and Sites and Facilities were rated high. Access was rated highly appropriate. Level of Use was rated appropriate. Overall Rating was high with a national Scale of Importance.

**Fish** – The Green River is a world famous recreational trout fishing stream, and is one of the top “blue ribbon” fly fishing rivers in the United States. Anglers travel from all over the world to experience this exceptional tail water fishery which can produce trophy sized rainbow and brown trout. The Green River is economically essential to the local communities and its fishery values are considered outstandingly remarkable.

The tail water fishery provides excellent habitat for the targeted introduced trout species and native mountain whitefish. Dam releases can be manipulated through out the summer to provide trout with optimal water temperatures, thus maximizing metabolism and biomass assimilation. The cool clean water also provides favorable conditions for aquatic macro-invertebrate production, which constitutes almost 100 percent of the trout diet. Even with recent fire damage to the watershed fine sediment loads are relatively low through out the first 16 miles of stream, allowing both brown and rainbow trout to spawn and recruit naturally. Width to depth ratios are very high and micro-habitats including deep runs, pools and eddies are in high concentration.

The value of the species in the Green River is considered high due to the amount of income the communities receive from tourist dollars. Without these species of sport fish present to attract recreational anglers the communities would not experience a fraction of the current income realized. Densities of trout in the Green River rival those found anywhere in the world. The Utah Division of Wildlife Resources has not performed a quantitative population estimate on the river since the mid 1990’s. However, catch rates are extremely high and ocular observations of many fish can easily be made. A robust, naturally reproducing population of brown trout exists in the Green River. The Utah Division of Wildlife Resources does augment the population with hatchery reared fish and brown trout are the dominant species downstream of the Little Hole boat ramp. A small number of wild rainbow trout also show up the creel and annual electro-fishing survey, but do not compare to brown trout numbers. Condition factors (length to weight relationship) of trout in the Green River are very high. Brown trout over 21 inches are common and have been caught up to 18 pounds. Rainbows over 20 inches and 3-5 pounds are also present. Habitat Quality, Value of Species, Abundance of Fish, Natural Reproduction, Size and Vigor of Fish were rated high. Diversity of Species was rated moderate. Overall Rating was high with a national Scale of Importance.

**Wildlife** – The Green River corridor encompasses a diversity of habitat types for wildlife such as river, riparian, wetland, cliff, pinyon/juniper, and sagebrush in the upland areas. These habitat-types provide excellent habitat for a high diversity of species including waterfowl, shorebirds, migratory birds, raptors, big game, small mammals (including bats), and water adapted mammals such as beaver and river otter. The Green River is the major source of water as well as riparian and wetland vegetation important for hiding, nesting, and foraging cover in this arid region. The steep cliffs provide nesting habitat for species such as raptors, swallow, small mammals, insects, and reptiles. Due to the topography and inaccessibility for human activities, these habitats have remained in an almost pristine condition.

Diversity of species for the Green River corridor is high since the diversity of habitats is also high, especially when compared to the surrounding xeric landscape. Several wildlife species that have been documented or are expected to occur in the Green River corridor are considered briefly here. This is not intended to be an exhaustive list but to provide some insight into species diversity within the Green River corridor. Waterfowl and shore birds known or expected based on wetland and riparian habitat types occurring in sections along the Green River corridor or adjoining habitats include Canada geese, eared grebes, gadwalls, mallards, cinnamon teal, northern shovelers, pintails, Wilson’s phalarope, long-billed curlews, sandhill cranes, and great blue herons. In addition to species like the bald eagle, golden eagle and peregrine falcon, several other species of raptors have been observed within the Green River corridor including rough-legged hawks, red-tailed hawks, American kestrels, turkey vultures, prairie falcons, ospreys, and great horned owls. A number of passerines common to the intermountain west are expected

to occur within the Green River corridor at various times of the year. Included are many migratory neotropical species. Known nesters in woodland or sagebrush types in the upland areas along the Green River include mourning doves, common nighthawks, kingbirds, wrens, mountain bluebirds, and western meadowlarks. Other birds include the Virginia's warbler, loggerhead shrike, black-throated gray warbler, burrowing owl, pinyon jay, and sage sparrow. Bighorn sheep, mule deer, and occasionally elk and moose are common big game species encountered within the Green River corridor. Bighorn sheep use along the corridor has been occurring in recent years and is largely limited to the rocky cliffs. Other mammal species that depend on the Green River corridor include mountain lions, bobcats, black bear, pygmy rabbits, muskrats, woodrats, marmots, and several species of squirrels and mice. Some other water-adapted mammals include the river otter and beaver.

Due the presence of the Green River, abundance of wildlife species is high and may fluctuate in numbers during different times of the year, such as spring and fall migrations of waterfowl and other migratory bird species. The Green River also provides a water source, which can concentrate large numbers of wildlife species along this corridor. Habitat Quality, Diversity of Species, Abundance of Species were rated high. Overall Rating high and regional Scale of Importance.

**Historic** – John Wesley Powell is an important national figure. His journeys down the Green and Colorado Rivers were significant national events in the exploration and description of the West. His campsites at Little Hole and Red Creek can be identified from the photographs that were taken during the expedition. The large Ponderosa trees in Powell's photos at Little Hole are still living and help locate his campsite. The diaries and other accounts list the types of activities that transpired while the party was camped in those locations. These events and information provide a wealth of interpretive and educational opportunities. The watercourse corridor contains sites or features (John Wesley Powel camping sites) that are currently listed in, or is eligible for, the National Register of Historic Places, or has been designated as a National Historic Landmark.

Sites have regional or national importance for interpreting significant river events or people; the sites clearly and graphically reveal an interesting or unique history of the Region; and have the ability to attract visitors from outside the Region. The watercourse corridor represents a "textbook" example of historic events or provides the best example of historic culture or "river-related" events in the Region.

This segment has three historic themes and periods, i.e., exploration, fur trapping, and homesteading. River corridors that represent more than one historic theme or culture, that may have been used concurrently by more than one historic cultural group are of higher value. Significance, Education/Interpretation, Listing and Eligibility, number of Historic Themes or Periods were rated high. Site Integrity was rated low. Overall Rating was high with a national Scale of Importance.

**Cultural** – An incredible number of prehistoric sites exist along this section of the river. The USDI Bureau of Land Management is working on a cultural resource district for the Davenport Draw area and formally asked the Forest Service to include their portion of Little Hole in this designation. Multiple time periods are represented and a variety of site types have been recorded to date. Many of these sites are in excellent condition. For instance, the Hayes Site contained storage pits still filled with the maize and other plant matter the Fremont people of 700 to 1500 years ago had placed in them. The watercourse corridor has Paleo-Indian, archaic, Fremont, late-prehistoric, and historic cultures. The watercourse corridor represents "textbook" examples of the above mentioned cultures and provides one of the best examples of a culture or river-related event in the Region. The watercourse corridor contains sites or features that are currently listed in, or are eligible for, the National Register of Historic Places, or designated as a National Historic Landmark. Watercourses with such features, particularly if in abundance, are of higher value. Significance, Number of Cultures, Education/Interpretation, and Listing/Eligibility were rated high. Current Uses was rated low. Site Integrity was rated moderate. Overall Rating was high with a national Scale of Importance.

## **CLASSIFICATION**

### **Basis for the Classification of River Segment: Scenic**

- Free of impoundments.
- Accessible in places by roads.
- Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads.
- Water quality and flow sufficient to maintain outstandingly remarkable values.

## **SUITABILITY REPORT**

### **Landownership and Land Uses** – Land ownership of this river segment is broken up as follows.

Mileages begin at Flaming Gorge Dam (mile 0) and move downstream (mile 12.6).

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 - 5	Ashley National Forest (both sides of the river)	1600
5-7	Division of Wildlife Resources administered lands - State of Utah (south side of the river)	320
5-7	Ashley National Forest (north side of river)	320
7-12.6	Bureau of Land Management (south side of river)	896
7-12.6	Ashley National Forest (north side of the river)	896
	<b>Total</b>	<b>4032</b>

Readers Note: The study area boundaries displayed in Appendix A, Suitability Evaluation Reports, do not represent actual Wild and Scenic River boundaries, but the area of interest for eligible river segments. It should be noted that of the eligible rivers studied, 14 of the 86 river segments appear to include portions of private land, at the end of segments near the National Forest boundary. These typically short river stretches (1/4 to 4 miles long) were included in the eligibility study as part of the river segment length because they brought the river segment to a logical terminus at a confluence with a larger stream, also contained the ORVs of the National Forest portion of the segment, or National Forest land was located within ¼ mile of these segments. These lengths are also included in the tables found in this suitability study. The magnitude of this effect is small, representing approximately 22 miles total over 14 segments, or less than 3 percent of the total mileage in the study. The final decision will apply only to river segments located on National Forest System lands. The dashed lines on the individual river maps represent the approximate 1/4 mile river corridor boundary of the river segment under study. If Congress chooses to add any of the recommended river segments to the National Wild and Scenic River System, the Forest Service would be required to develop Comprehensive River Management Plan (CRMP). Section 3(b) of the Wild and Scenic Rivers Act requires the establishment of detailed boundaries (an average of not more than 320 acres per river mile). At that time, the boundary would be adjusted to exclude private, State, or other Federal agency land located at the end or beginning of the river segment. Congress could include private lands (in holdings) within the boundaries of the designated river area, however, management restrictions would apply only to public lands.

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values. Minimum lot size is either 40, 80, or 160 acres within these Multiple Use Districts. There are various permitted and conditional uses such as agriculture, forestry, mining, power generation and regulations related to

residences. The Uniform Zoning and Subdivision Ordinances for Daggett County are available at <http://www.daggettcountry.org/DocumentView.asp?DID=8>.

More information on guidance related to land uses can be found in the Daggett County General Plan, available at <http://daggettcountry.org/DocumentView.asp?DID=61>.

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – The Flaming Gorge reservoir and dam are the key water development features in the area. There are Bureau of Reclamation withdrawn lands associated with the reservoir that extend down the eligible segment, with the exception of the lands administered by the Utah Division of Wildlife Resources and the final 1.8 miles of the segment. Future water development is not expected because of the social, economic, scenic, recreational, fisheries, wildlife, historic, and cultural values associated this eligible segment. The Utah State Water Plan for the Uintah Basin (which includes Daggett County), does not identify any proposed water development projects on this segment. Designation into the Wild and Scenic river system does not affect existing, valid water rights and agreements.

**Transportation, Facilities, and Other Developments** – Flaming Gorge/Uintas National Scenic Byway (US Highway 191) provides access to and across Flaming Gorge Dam. A Forest Service and Bureau of Reclamation service road provides access to the Spillway Boat Ramp immediately below the dam. The canyon and river areas from the Spillway Boat Ramp to Little Hole Boat Ramp (approximately 7 miles) are accessed by the Little Hole National Recreation Trail. Forest Development Road 075 provides access to the Little Hole Boat Ramp. At this boat ramp, the Little Hole National Recreation Trail continues along the segment for approximately 1.0 miles. The remaining 4.6 miles of the river segment to the boundary of the National Forest/Flaming Gorge National Recreation Area is accessed by an undeveloped trail.

Rights of Way—There are two pipeline rights of way within this segment. There are also four rights of way for roads in the segment.

**Grazing Activities** – On National Forest System lands, there is no permitted livestock grazing along the river corridor. On lands administered by the Utah Division of Wildlife Resources permitted grazing is allowed on a limited basis. On lands administered by the BLM, the river corridor is fenced, and livestock are kept ¼ mile away from the river. Limited grazing within the river corridor may be allowed at times.

**Recreation Activities** – Recreational activities and setting were described in detail in the summary of outstandingly remarkable values. One potential change in these use patterns could occur when the Brown's Park road is paved. Currently, the shuttle between Little Hole and Brown's Park is 35 miles, ½ of which is on dirt roads that are difficult to travel in wet conditions. When this is paved, use could increase in the lower sections (downstream of Little Hole). The paving is scheduled for the fall of 2007, but could be delayed until 2008.

**Other Resource Activities** – The river corridor is not suitable for timber harvest, and no other resource activities are expected in the future.

**Special Designations** – All of the lands administered by the Ashley National Forest are within the Flaming Gorge National Recreation Area (NRA). The legislation establishing this NRA specified three broad missions and management goals. Specifically, these are to administer, protect, and develop the Flaming Gorge National Recreation Area in a manner to best provide for: (1) public outdoor recreation

benefits, (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) management, utilization, and disposal of natural resources that will promote or are compatible with, and do not significantly impair the purpose for which the recreation area was established.

The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n<sub>1</sub>) National Recreation Area – Existing Situation. These are lands in the NRA that have the existing low management prescription applied. Activities and practices recognize and emphasize the recreation and wildlife values within the NRA. Standards and guidelines are modified to comply with Public Law 90-540. The riparian objective is to protect. This management prescription encompasses the majority of the river corridor.
- (r) Wildlife. This management area consists of those lands identified as having special or critical wildlife capabilities in the Flaming Gorge NRA. The objective is to maintain or increase wildlife species diversity and numbers while meeting the direction for protection of recreation and visual resources. The riparian objective is to protect. The management prescription applies to small areas within the river corridor upstream and downstream of Little Hole, north side of the river.

The first 5 miles of the segment are within an inventoried roadless area. The area downstream of Little Hole on the Ashley National Forest (north side of river), is also within an inventoried roadless area.

**Socio-Economic Environment** – The two main communities in Daggett County are Manila and Dutch John, with populations of 685 and 204, respectively (2007 estimates). The county is set in a spectacular outdoor setting, where traditional land uses such as agriculture, timber harvest and livestock grazing have been important over time. The economy in Daggett County is based primarily on agriculture, livestock, hay, and alfalfa, but it is also an important producer of electric power for Utah and surrounding states. Dutch John originally provided a living place for those who worked at the Flaming Gorge dam.

The Flaming Gorge National Recreation Area, Sheep Creek Geologic Area, Spirit Lake, the Green River and other outdoor attractions draw visitors to the area. Travel and tourism is an integral part of the local economy. The Flaming Gorge reservoir and the Green river are regional and national attractions. Both the reservoir and the Green River play an integral role in the local socio-economic environment. For example, there are 3 raft rental shops and 3 fly shops that cater to river enthusiasts on the Green River. 1.7 million dollars are brought into the area annually from customers of outfitter guides (13 total) on the Green River.

**Current Administration and Funding Needs if Designated** – This segment is administered by the USFS, the State of Utah, and the BLM.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in sharing the costs of management of these



segments.

The Flaming Gorge District Ranger indicates that local county officials would support the designation of this segment, in order to promote the Green River corridor and increase tourism in the area, but would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values.

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, grazing, agriculture, and mining. Designation would be consistent with the protection of land and open space resources, wildlife habitat, avoiding excessive damage to watersheds, water pollution, soil erosion, and danger from fires.

The Forest Service should designate the Green River because the current management of property owned by the Utah Division of Wildlife Resources is consistent with designation. (3-25f).

**(3) Support or opposition to designation.**

Comments received during the eligibility study:

Various members of the public were opposed to the designation of this segment. Reasons for opposition included potential effects to future and downstream water developments, the level of development along the corridor should preclude it from being eligible, and that this segment should not be considered regionally important because of improvements and modifications already in place.

Daggett County officials have indicated support for the designation of the Green River into the Wild and Scenic River System. Some of the reasons for support would be to promote the river corridor and to increase tourism.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, and the protection of river segments within inventoried roadless areas.

Some commentors expressed opposition to all the eligible segments on the Ashley National Forest, except the Green River below Flaming Gorge dam. This segment was unique in the comments received, as it did have some support from those who were otherwise opposed Wild and Scenic designation.

Comments received during scoping for the suitability study:

Many letters supporting designation of this stretch of the Green River were received during scoping, including endorsements from approximately 25 different organizations and river-related businesses. These letters cited a variety of reasons, including recreational, economic, and ecological values, for their support.

Opposing views were expressed by Central Utah, Duchesne and Uintah Water Conservancy Districts

based on concerns that designation would interfere with water exchanges or upstream storage. Although no new storage projects are planned for the Green River, a Water Development Prospectus identified a need to use surplus Green River water in conjunction with potential projects elsewhere in the Uintah Basin. The State of Utah expressed concern that designation would interfere with operation of Flaming Gorge reservoir. The State of Utah also expressed concerns that designation would restrict the state's ability to maintain or expand the highway.

A letter submitted by Sweetwater County Conservation District on behalf of Sweetwater County and Conservation District and Uinta County Conservation District in Wyoming stated that residents of those counties would be affected by designation of the Green River, raised questions about the study process, and requested cooperating agency status for all three entities.

#### Comments responding to the Draft EIS

Among the organizations and individuals in favor of WSR designation there was particularly strong support for rivers highlighted in the Utah Rivers Council letter, i.e., many letters singled out the **Green River** as a river they considered exemplary. Some letters focused solely on this river; others included it in a list of rivers they supported but with additional comments specific to values or their personal experiences on the Green River. All of the three organized campaigns supported the Green River for designation. Those who opposed designation of the Green River segment cited potential conflicts with operation of Flaming Gorge Dam (timing and amount of water released), the possibility that certain areas below the dam may need to be riprapped in the future, and the level of development already in the river corridor as detracting from its scenic character.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in the NRA and inventoried roadless areas.

Designation would also be consistent with the Utah Division of Wildlife Resources emphasis on maintaining high quality wildlife and fisheries habitat. The recreational fishery in the Green River is nationally and world renowned, and is one of the top "blue ribbon" fisheries in the United States. Wild and Scenic designation would be consistent with the management and protection of this resource.

From 1992 to present, the dam has been operated to meet the requirement of the four endangered fish in the river segments beyond the National Forest boundary. This is being done by releasing peak flows that more closely resemble pre-dam conditions. Wild and Scenic designation would be consistent with preserving and maintaining habitat for these four endangered fish species downstream of the eligible segment.

As discussed in suitability factor (2), designation may be both inconsistent and consistent with county zoning ordinances. The Daggett County General Plan does not specifically address Wild and Scenic River designation, but it does make the following statement about water resources:

"Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. Daggett County desires to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources. The County also feels that private water rights should be protected from encroachment and/or coerced acquisition."

Further indication of the County's position regarding Wild and Scenic River designation can be found in an amendment to their General Plan (responding to a BLM Wild and Scenic River study):

"It is Daggett County's policy that no river segment should be included in the National Wild and Scenic River System unless:

- Water is present and flowing at all times.
- The water-related value is considered outstandingly remarkable within a region of

comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.

- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Daggett County is a party.
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code ' 63-38d-401(8)(a), as well as the criteria of Daggett County.”

**(5) Contribution to river system or basin integrity.**

This segment is on National Forest System Lands, lands administered by the Utah Division of Wildlife Resources, and lands administered by the BLM. Designation could provide a comprehensive and holistic protection strategy between these government agencies, other cooperating agencies such as local governments, and public groups.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

The outfitter guides on the Green River would continue to support and participate in river clean up efforts.

**Pipe Creek  
Ashley National Forest**

Scale: 0 0.5 1 Miles

**Eligible Wild & Scenic Segments**

- Wild
- Scenic
- Recreational
- Other Streams
- River Segment Under Study
- National Forest
- Wilderness
- Federal
- State
- Tribal
- Private
- County Boundaries
- Water
- Major Roads
- Township/Range
- Section

**GENERAL LOCATION**

## STUDY AREA SUMMARY

Eligible: Same

Pipe Creek	Ashley National Forest, Flaming Gorge Ranger District, Daggett County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	SE ¼ NE ¼ Sect. 10, T 1 N, R 22 E, SLM	NW ¼ NE ¼ Sect. 23, T 2 N, R 22 E, SLM	Scenic	5.59

## A-38

rock-lined channel are visible from the river. The stream is very confined in a deep canyon cut in Uinta Mountain quartzite. Many debris jams exist in the bottom with a very narrow valley bottom. Boulders, cobbles and numerous jams make up much of the bottom. Gradient is steep, and flows are subject to flash flooding. The creek corridor has a variety of streamside riparian habitats from meadow like environments in the headwaters to steep cascading stream and small pool environments in the lower end.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility Determination of Wild and Scenic Rivers, July 2005 (USDA Forest Service 2005)

**Determination of Free-flowing Condition:** Water quality sufficient to maintain outstandingly remarkable values. There are no diversions or significant channel modifications.

### **Summary of Outstandingly Remarkable Values:**

**Cultural** – Archaic, Fremont and late prehistoric sites have been found and inventoried. Some of these sites are eligible for listing on the National Register. Current Native American uses are unknown. Significance, Number of Cultures, Site Integrity, and Listing/Eligibility were rated high. Current Uses and Education/ Interpretation were rated moderate. Overall Rating was high with a regional Scale of Importance.

## **CLASSIFICATION**

**Basis for the Classification of River Segment:** Scenic

- Free of impoundments.
- Largely primitive and undeveloped. No substantial evidence of human activity.
- The presence of grazing or hay production or row crops.
- Evidence of past logging or ongoing timber harvest, provided the forest appears natural from the riverbank.
- Accessible in places by roads. One two-track road crosses the above the headwaters of the creek. The Pipe Creek and Greens Draw Trails (Forest Development Trails 003 and 004) access the upper headwater areas. There are no developed roads in the creek corridor.
- Water quality sufficient to maintain outstandingly remarkable values.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, beginning on the Vernal Ranger District and ending on the Flaming Gorge Ranger District (within the Flaming Gorge National Recreation Area).

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 5.59	Ashley National Forest	1788.8

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values. Minimum lot size is 40, 80, or 160 acres within these Multiple Use Districts. There are various permitted and conditional uses such as agriculture, forestry, mining, power generation and regulations related to residences. The Uniform Zoning and Subdivision Ordinances for Daggett County are available at

<http://www.Daggettcountry.org/DocumentView.asp?DID=8>.

More information on guidance related to land uses can be found in the Daggett County General Plan, available at <http://Daggettcountry.org/DocumentView.asp?DID=61>.

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no dams, diversions or significant channel modifications. No potential water development projects are known or expected at this time. The Utah State Water Plan for the Uintah Basin (which includes Daggett County), does not identify any proposed water development projects on this segment. There are Bureau of Reclamation withdrawn lands associated with the Flaming Gorge reservoir, that extend from the confluence with the Green River upstream for approximately 1 mile. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – The Pipe Creek and Greens Draw Trails (Forest Development Trails 003 and 004) access the upper headwater areas. There are no developed roads in the creek corridor. One two-track road crosses the above the headwaters of the creek. Some boaters on the Green River stop at the mouth of Creek to fish, but due to the steep terrain, few venture up the creek from the river's edge.

Rights of way—There is one pipeline right of way across the segment, as well as two phone and one power right of way in the corridor.

**Grazing Activities** – On the Flaming Gorge District portion of this segment, the Birch Creek Little Hole allotment permits 74 cow/calf pairs from June 1-October 10. Use from this allotment is upstream and in the vicinity of the Pipe Creek road. On the Vernal Ranger District side of this segment, the Bowden Draw cattle allotment permits 260 cow/calf pairs from 6/22 – 9/27. Use is mainly in the headwaters and not in the confined canyon sections.

**Recreation Activities** – Recreation use is light along this creek, with most use occurring in the very upper headwaters. Hiking, horseback riding, hunting and dispersed camping are the primary uses. Concentrated recreation use occurs along the Green River at the mouth of the creek. Fishing and boating activities are ongoing year round.

**Other Resource Activities** – Timber harvest has occurred in this watershed and could potentially occur in the future. No harvest would be expected along the river corridor.

A 138 kV transmission line originating at the Flaming Gorge Dam power generation facilities crosses the lower section of the creek just above the Green River. The transmission line is difficult to see from the river, due to vegetative cover and the steepness of the slope.

**Special Designations** – The lower 1.2 miles of this segment are within the Flaming Gorge National Recreation Area (NRA). The legislation establishing this area specified three broad missions and management goals. Specifically, these are to administer, protect, and develop the Flaming Gorge National Recreation Area in a manner to best provide for: (1) public outdoor recreation benefits, (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment, and (3) management, utilization, and disposal of natural resources that will promote or are compatible with, and do not significantly impair the purpose for which the recreation area was established.

The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the majority of the segment outside of the NRA.
- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription applies to some scattered areas outside of the NRA.
- (n<sub>1</sub>) National Recreation Area – Existing Situation. These are lands in the NRA that have the existing low management prescription applied. Activities and practices recognize and emphasize the recreation and wildlife values within the NRA. Standards and guidelines are modified to comply with Public Law 90-540. The riparian objective is to protect. This management prescription encompasses the entire area within the NRA.

The entire length of this segment is within inventoried roadless areas.

**Socio-Economic Environment** – The two main communities in Daggett County are Manila and Dutch John, with populations of 685 and 204, respectively (2007 estimates). The county is set in a spectacular outdoor setting, where traditional land uses such as agriculture, timber harvest and livestock grazing have been important over time. The economy in Daggett County is based primarily on agriculture, livestock, hay, and alfalfa, but it is also an important producer of electric power for Utah and surrounding states. Dutch John originally provided a living place for those who worked at the Flaming Gorge dam.

The Flaming Gorge National Recreation Area, Sheep Creek Geologic Area, Spirit Lake, the Green River and other outdoor attractions draw visitors to the area. Travel and tourism is an integral part of the local economy. The Flaming Gorge reservoir and the Green river are regional and national attractions. Both the reservoir and the Green River play an integral role in the local socio-economic environment. For example, there are 3 raft rental shops and 3 fly shops that cater to river enthusiasts on the Green River. 1.7 million dollars are brought into the area annually from customers of outfitter guides (13 total) on the Green River.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

## **SUITABILITY FACTOR ASSESSMENT**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation for this segment, and would not share in the costs.

**(2) The state/local government’s ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

National Forest System Lands in Daggett County are zoned as Multiple Use Districts. Some of the purposes for providing a Multiple Use District are to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation would be limited, in order to protect land and open space resources. These areas are intended to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation. Additional purposes include avoiding excessive damage to watersheds, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and to wildlife values.

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, grazing, agriculture, and mining. Designation would be consistent with the protection of land and open space resources, wildlife habitat, avoiding excessive damage to watersheds, water pollution, soil erosion, and danger from fires.

**(3) Support or opposition to designation.**

Comments received during the eligibility study

Daggett County officials and various members of the public were opposed to designation. Some reasons for opposition were potential effects to water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protection of outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, and the protection of river segments within inventoried roadless areas.

Comments received during scoping for the suitability study

One letter specifically mentioned Pipe Creek. It was submitted by Sweetwater County Conservation District on behalf of Sweetwater County and Conservation District and Uinta County Conservation District in Wyoming. The letter stated that residents of those counties would be affected by designation of the Green River, raised questions about the study process, and requested cooperating agency status for all three entities.

Comments responding to the draft EIS

Of the three organized campaigns none suggested a finding of suitability for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in the NRA and inventoried roadless areas.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. The Daggett County General Plan does not specifically address Wild and Scenic River designation, but it does make the following statement about water resources:

“Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. Daggett County desires to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources. The County also feels that private water rights should be protected from encroachment and/or coerced acquisition.”

Further indication of the County’s position regarding Wild and Scenic River designation can be found in an amendment to their General Plan (responding to a BLM Wild and Scenic River study):



“It is Daggett County’s policy that no river segment should be included in the National Wild and Scenic River System unless:

- Water is present and flowing at all times.
- The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.
- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen’s enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Daggett County is a party.
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code ' 63-38d-401(8)(a), as well as the criteria of Daggett County.”

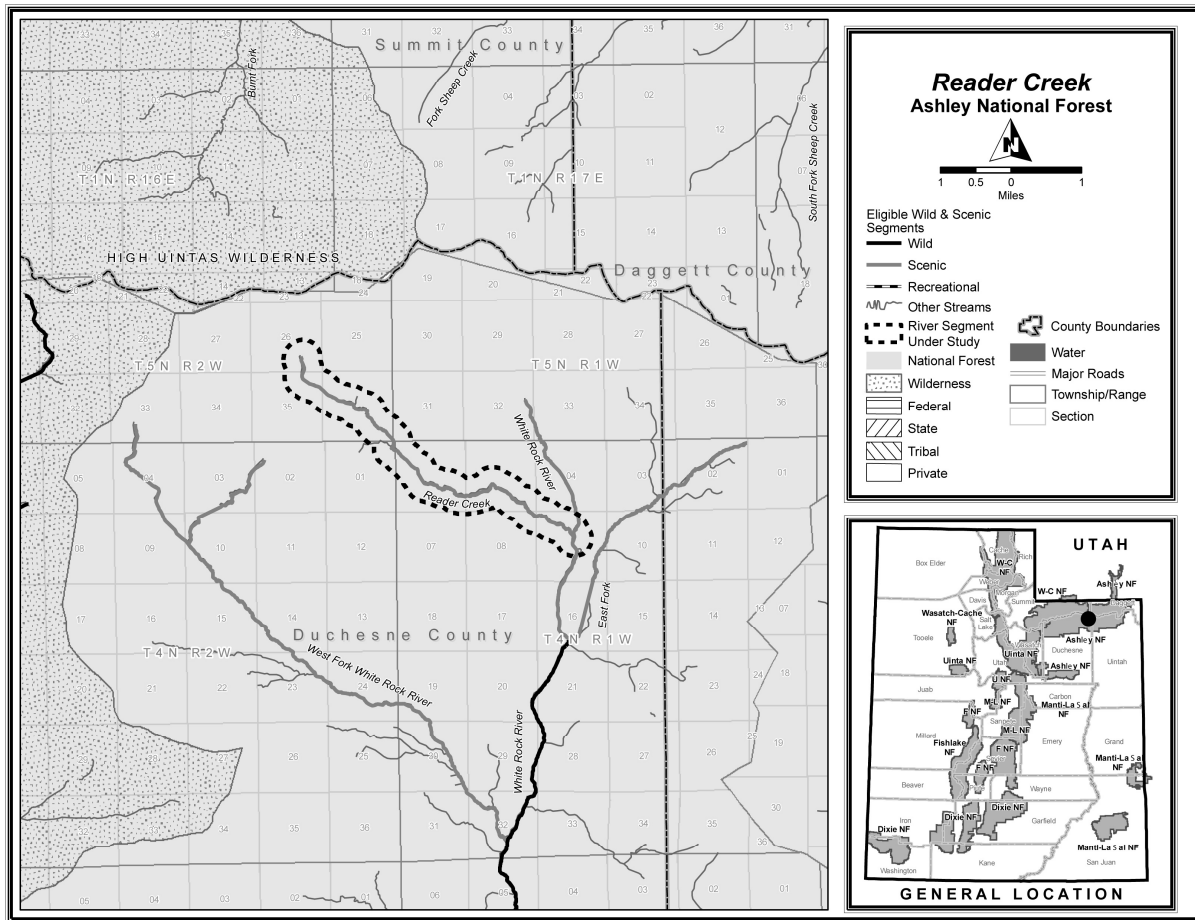
**(5) Contribution to river system or basin integrity.**

The proposed segment includes the majority of the watershed, which would offer good basin integrity and the opportunity to design a holistic protection strategy. Designation would provide a comprehensive and holistic protection strategy with other cooperating agencies and public groups. This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

# **Reader Creek Suitability Evaluation Report (SER)**



## **STUDY AREA SUMMARY**

**Name of River:** Reader Creek

### **River Mileage:**

Studied: 6.0 miles, from Reader Lakes to the junction with Upper Whiterocks River.

Eligible: Same

### **Location:**

Reader Creek	Ashley National Forest, Vernal Ranger District, Duchesne County, Utah		Congressional District 2	
	Start	End	Classification	Miles
Segment 1	SW ¼ SE ¼ Sect 26, T 5 N, R 2 W, USM	SW ¼ NE ¼ Sect. 9, T 4 N, R 1 W, USM	Scenic	6.0

### **Physical Description of River Segment:**

This segment descends through a broad low relief upper glaciated basin in Uinta Mountain quartzite. Wet meadows dominate this segment, and numerous seeps and springs are located adjacent to the meadow areas. These meadows are former lakes filled in by sediments following glaciation. As the stream moves

laterally across the meadow, large chunks of bank are undercut. The watercourse corridor exhibits an excellent geomorphic example of glaciation, both scour and deposition. There are natural waterfalls, bedrock at the surface, and lateral moraines along the watercourse corridor. The watercourse corridor reveals unique educational examples of glaciation and hydrologic actions.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest, July 2005

**Determination of Free-flowing Condition:** The segment is free from channel modifications and structures. The natural stream flow of the river is unimpaired. The segment is free-flowing.

**Summary of Outstandingly Remarkable Values (ORV):** The scenic, recreation, geologic/hydrologic, and fisheries ORVs have all been identified as regionally important, where other similar values were noted as having national importance, and the wildlife ORV as being less than regionally important.

**Scenic** – The river, lakes, and streams cross through a striking landscape of basins, meadows, ridgelines and peaks. Riparian areas and meadows provide seasonal variation in color during late fall months. There is exceptional contrast in vegetative cover with the high ridges that parallel both sides of the river and tributary. The corridor offers panoramic vistas of the peaks of the High Uintas backcountry, including cirques, lakes, and small streams along the corridor length.

**Recreational** – Reader Creek receives moderate to heavy use from backpackers, recreation stock and day use activities from late June to mid-October. Recreationists are attracted to these areas because of outstanding backcountry scenery, solitude, and fishing. Deer and elk hunting also occur along the segments in the fall months. Snowmobiling occurs within the corridor during winter months.

**Geologic/Hydrologic** – This segment descends through a broad low relief upper glaciated basin in Uinta Mountain quartzite. The area contains hummocky ground moraine and wet meadows. Wet meadows dominate this segment, and numerous seeps and springs are located adjacent to the meadow areas. These meadows are former lakes filled in by sediments following glaciation. Organic soils are found along much of the wet meadow stream reaches. As the stream moves laterally across the meadow, large chunks of bank are undercut. The watercourse corridor exhibits an excellent geomorphic example of glaciation, both scour and deposition. There are natural waterfalls, bedrock at the surface, and lateral moraines along the watercourse corridor. The watercourse corridor reveals unique educational examples of glaciation and hydrologic actions.

**Fish** – Several lakes are present along the stair-step series of benches from the upper to lower basin. Current fish populations include stocked brook trout and relict native Colorado River Cutthroat Trout. The stream is a reference reach for evaluating stream habitat since it is relatively unaltered by management activity. Treatments to eliminate the brook trout and enhance the cutthroat population were planned for the years 2000-2004. Colorado Cut Throat Trout restoration is continuing in Reader Creek.

**Wildlife** – Wildlife communities at this elevation are composed of alpine species usually not found at lower elevations. Ptarmigan may use the willows along the banks of this segment at certain times of the year. Ptarmigan were released in the Uinta Mountains some time ago and are stable or slowly increasing. The riparian vegetation also provides habitat for Neotropical birds, i.e., Lincolns and song sparrows. The watercourses cross through important summer range for both deer and elk, and the travel corridor for mountain goats.

**Other Similar Values** – Reader Creek cuts through glacial moraines with an overstory cover of subalpine

fir and Engelmann spruce. The riparian vegetation consists of cinquefoil meadows with sedges, grasses and low growth willows. Marsh marigold and elephant head are common forbs in wet areas. The corridor is the epicenter for Colorado River Cutthroat Trout reintroduction, and is essential for genetic interaction. There are good examples of permafrost and sphagnum moss within the watercourse corridor. Reader Creek corridor is a textbook example of plant and animal associations.

### **CLASSIFICATION**

#### **Basis for the Classification of River – Scenic**

Reader Creek is eligible for the Wild and Scenic River System. It is classified as a Scenic river.

### **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

River Mile	Ownership	Acres
0-6.0	Ashley National Forest	1920

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no dams, diversions, or other channel modifications on this segment. No future developments are known or expected at this time.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on this eligible Wild and Scenic river segment. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – Forest Development Road 110 crosses lower portion of this segment. Foot bridges exist at various river and stream trail crossings.

**Grazing Activities** – There is no permitted livestock use on this segment.

**Recreation Activities** – Reader Creek receives moderate to heavy use from backpackers, recreation stock and day use activities from late June to mid-October. Recreationists are attracted to these areas because of outstanding backcountry scenery, solitude, and fishing. Deer and elk hunting also occur along the segments in the fall months. Snowmobiling occurs within the corridor during winter months.

**Other Resource Activities** – Timber harvest has occurred in this watershed and could potentially occur in the future. No harvest would be expected along the river corridor.

Historic sheep trails and cairns are located along Reader Creek and add value to the quality of visitor experience. These sites have the potential of being listed on the National Register of Historic Places, with accompanying interpretation activities.

There is evidence of transient use of these areas by archaic, Fremont and late prehistoric cultures, found mainly near the upper headwaters of the segment. The sites are in good to excellent condition and are considered potentially eligible for listing in the National Register.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription encompasses the lower two thirds of this segment.
- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the upper third of this segment.

This segment is located within the Tridell/LaPoint Drinking Water Source Protection Zone, as identified by the State of Utah.

All of the Reader Creek segment (except the crossing of Forest Road 110) is within inventoried roadless areas.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Whiterocks, Tridell, Lapoint, and Fort Duchesne. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). These communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

**SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

**Comments received during the eligibility study**

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

**Comments received during scoping for the suitability study**

Letters of support were received from several individuals and non-profit organizations. All of these letters addressed Reader Creek in combination with other eligible segments of the Whiterocks river system. Values cited included the remote, undeveloped setting; the diversity of scenery, terrain and habitat types present; and the collective contribution of these segments to river system or basin integrity.

Some letters specifically mentioned Reader Creek's importance as a native cutthroat trout fishery.

No potential reservoir sites have been identified on or above Reader Creek. However, the Uintah Water Conservancy District was concerned that designation would curtail or foreclose water rights. UWCD also stated that Reader Creek "is dry or flows very little water much of the year". Other letters contradicted this statement.

#### Comments responding to the Draft EIS

Among the organizations and individuals in favor of WSR designation there was particularly strong support for rivers highlighted in the Utah Rivers Council letter, i.e.: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek. Many letters commented that all segments within a single river system should be considered together, because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity. Common examples included: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek

The Ashley Creek and Whiterocks river systems provide virtually all the water used by residents in the eastern Uintah Basin. Local officials and residents expressed great concern that operation of existing facilities would be restricted, compromising water rights and affecting local economies. Rapid population growth and potential oil shale development activities were also cited as reasons to retain the option of building additional water storage and delivery systems in these systems.

Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study. :

A common theme was that all rivers within Wilderness or roadless areas should be designated, in part because they pose few conflicts with other uses or activities and would be relatively simple to manage. In addition to the Wilderness rivers listed above, the following rivers were recommended based on being all or mostly within roadless: South Fork Ashley Creek, Ashley Gorge, all of the Whiterocks segments, and Lower Dry Fork (these are examples; different letters cited different examples). Of the three organized campaigns, all supported a finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in management prescription areas and inventoried roadless areas.

Designation would also be consistent with the joint efforts of the Ashley National Forest and the Utah Division of Wildlife Resources in restoring and improving native Colorado Cutthroat trout habitat. Treatments to remove brook trout and enhance the native cutthroat population were planned for 2000-2004. Reader Creek is the key stream in the Whiterocks drainage that holds genetically pure Colorado Cutthroat trout, and is the center of efforts to restore a meta- population of trout in the larger Whiterocks drainage.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. The Duchesne County General Plan states that special designations, including wild and scenic rivers, "may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield." The

County's position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

**(5) Contribution to river system or basin integrity.**

The proposed segment includes the majority of the Reader Creek watershed, which would offer good basin integrity and the opportunity to develop holistic protection strategies. In addition, basin integrity of the larger watershed could be improved by considering the additional segments in this watershed together, including Upper Whiterocks, East Fork Whiterocks, Middle Whiterocks, and West Fork Whiterocks.

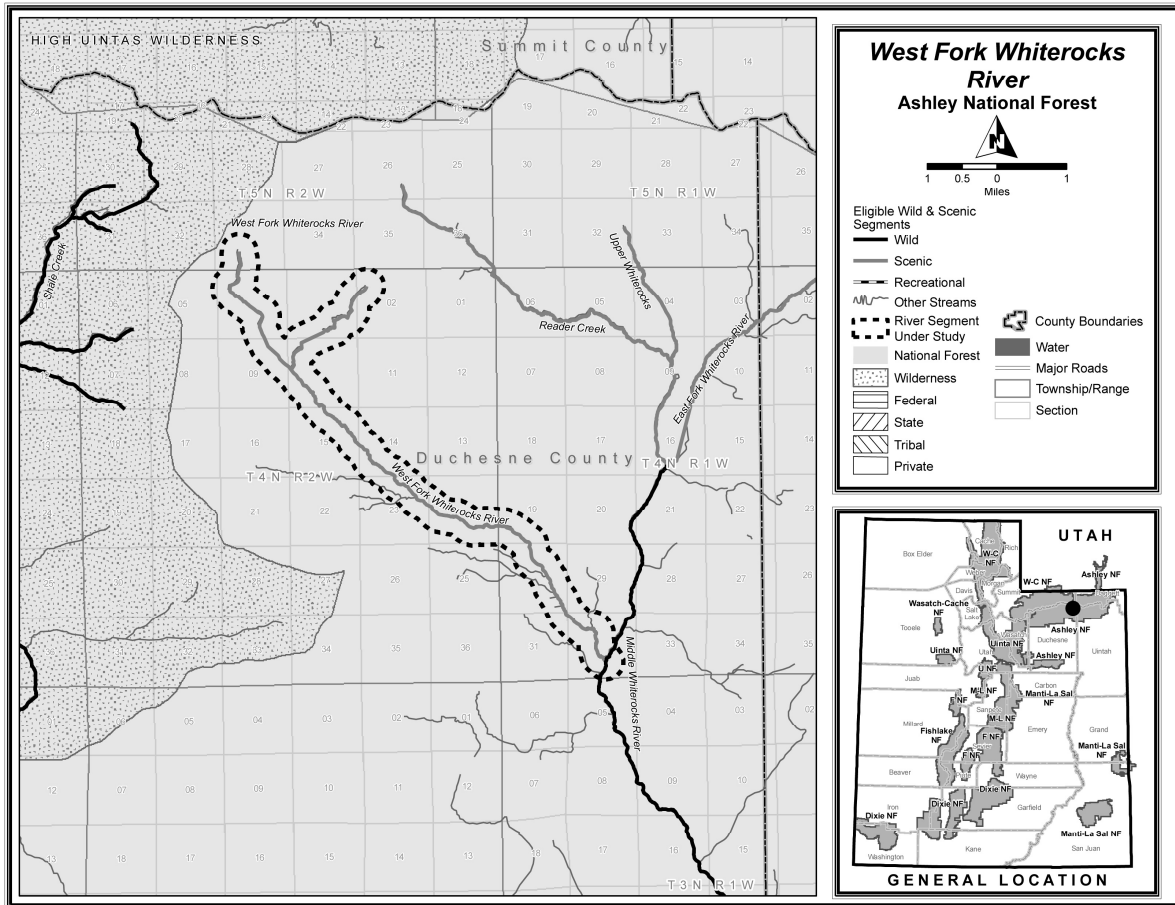
This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.



## West Fork Whiterocks River Suitability Evaluation Report (SER)



### STUDY AREA SUMMARY

**Name of River:** West Fork Whiterocks River

**River Mileage:**

Studied: 11.2 miles, from Fox/Queant Pass to the junction with Middle Whiterocks River. The lakes in the headwaters and smaller tributaries, including Cleveland and Queant Lakes are part of this segment.

Eligible: Same

**Location:**

West Fork Whiterocks River	Ashley National Forest, Vernal Ranger District, Duchesne and Uintah County, Utah		Congressional District 2	
	Start	End	Classification	Miles
Segment 1	SE ¼ SW ¼ Sect. 33, T 5 N, R 2 W, USM	NW ¼ SE ¼ Sect. 32, T 4 N, R 1 W, USM	Scenic	11.2

**Physical Description of River Segment:**

This watercourse cuts through elongated lateral moraines that are generally dry, with active stream bank cutting occurring. The upper reaches of this segment are similar to segments Upper Whiterocks River and East Fork Whiterocks River. From approximately Forest Development Road 110, the stream descends a

moderately steep gradient, fast moving stream similar to Middle Whiterocks River. There are low-lying meadows and depressions where water sedge is common in the upper part of the segment. Other riparian dependent species include plainleaf willow. Timber oatgrass occurs on drier upland parts of meadows.

### **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest, July 2005

**Determination of Free-flowing Condition:** The segment is free from channel modifications and structures. The natural stream flow of the river is unimpaired. The segment is free-flowing.

**Summary of Outstandingly Remarkable Values (ORV):** The scenic and recreation ORVs have been identified as regionally important.

**Scenic** – The river crosses through a striking landscape of basins, meadows, ridgelines and peaks. Riparian areas and meadows provide seasonal variation in color during late fall months. There is exceptional contrast in vegetative cover with the high ridges that parallel both sides of the river and tributary. The corridor offers panoramic vistas of the peaks of the High Uintas backcountry, including cirques, lakes, and small streams along the corridor length.

**Recreation** – West Fork Whiterocks River receive moderate to heavy use from backpackers, recreation stock and day use activities from late June to mid-October. Recreationists are attracted to these areas because of outstanding backcountry scenery, solitude, and fishing. Deer and elk hunting also occur along the segments in the fall months. Snowmobiling occurs within the corridor during winter months. Forest Development Road 110 crosses at bridge locations in the lower portion of the segment. A developed trailhead is located adjacent to this road and serves as the access point to the trail within the segment. Foot bridges exist at various river and stream trail crossings.

### **CLASSIFICATION**

**Basis for the Classification of River** – Scenic

The West Fork Whiterocks is accessible in places by road. It is classified as scenic river.

### **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

River Mile	Ownership	Acres
0-11.2	Ashley National Forest	3584.0

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no dams, diversions, or other channel modifications on this segment. No future developments are known or expected at this time.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – Forest Development Road 110 crosses the lower portion of this segment. West Fork Whiterocks trailhead is located adjacent to the segment. Foot bridges exist at various river and stream trail crossings.

**Grazing Activities** – There is no permitted livestock use on this segment. There is a sheep allotment that is now closed.

**Recreation Activities** – This canyon is a popular area for hiking and dispersed recreation. The area provides access to the High Uintas Wilderness via the Whiterocks trailhead and Fox/Queant Pass.

**Other Resource Activities** – Timber harvests have occurred in this watershed and could potentially occur in the future. No harvest would be expected along the river corridor. Overlook pullouts and visitor information sites are located along "The Causeway" to the north of the canyon areas.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription encompasses the lower half of the segment.
- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the upper half of the segment.

This segment is located within the Tridell/LaPoint Drinking Water Source Protection Zone, as identified by the State of Utah.

The upper half of this segment is within an inventoried roadless area.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Whiterocks, Tridell, Lapoint, and Fort Duchesne. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). These communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over

the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Uintah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Uintah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

#### **Comments received during the eligibility study**

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

#### Comments received during scoping for the suitability study

Letters of support were received from several individuals and non-profit organizations. Most of these letters addressed the West Fork Whiterocks segment in combination with the other eligible segments of the Whiterocks river system. Values cited included the remote, undeveloped setting; the diversity of scenery, terrain and habitat types present; and the collective contribution of these segments to river system or basin integrity. One letter noted that although there are lakes on the segment that are considered sources of irrigation water (see below), there are no headgates on the lakes so outflows occur naturally.

Letters from the Central Utah Water Conservancy District and Uintah Water Conservancy District opposed designation based on concerns that designation would affect delivery of water for irrigation use or reduce water development potential for the area. The State of Utah commented that two potential reservoir sites have been identified in this drainage, but based on the legal descriptions provided both appear to be downstream of this segment.

One comment letter requested that any portion of the Whiterocks River abutting tar sands deposits not be considered suitable. The only known tar sands deposits are near the Forest boundary, well downstream of this segment.

#### Comments responding to the Draft EIS

Among the organizations and individuals in favor of WSR designation there was particularly strong support for rivers highlighted in the Utah Rivers Council letter, i.e.: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek. Many letters commented that all segments within a single river system should be considered together, because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity. Common examples included: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek

The Ashley Creek and Whiterocks river systems provide virtually all the water used by residents in the eastern Uintah Basin. Local officials and residents expressed great concern that operation of existing facilities would be restricted, compromising water rights and affecting local economies. Rapid population growth and potential oil shale development activities were also cited as reasons to retain the option of building additional water storage and delivery systems in these systems.

Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study. :

A common theme was that all rivers within Wilderness or roadless areas should be designated, in part because they pose few conflicts with other uses or activities and would be relatively simple to manage. In addition to the Wilderness rivers listed above, the following rivers were recommended based on being all or mostly within roadless: South Fork Ashley Creek, Ashley Gorge, all of the Whiterocks segments, and Lower Dry Fork (these are examples; different letters cited different examples). Of the three organized campaigns all supported a positive finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, and Drinking Water Source Protection Zones for Tridell/LaPoint.

Designation would also complement the joint efforts of the Ashley National Forest and the Utah Division of Wildlife Resources to restore a meta-population of native Colorado Cutthroat trout in the Whiterocks drainage.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

**(5) Contribution to river system or basin integrity.**

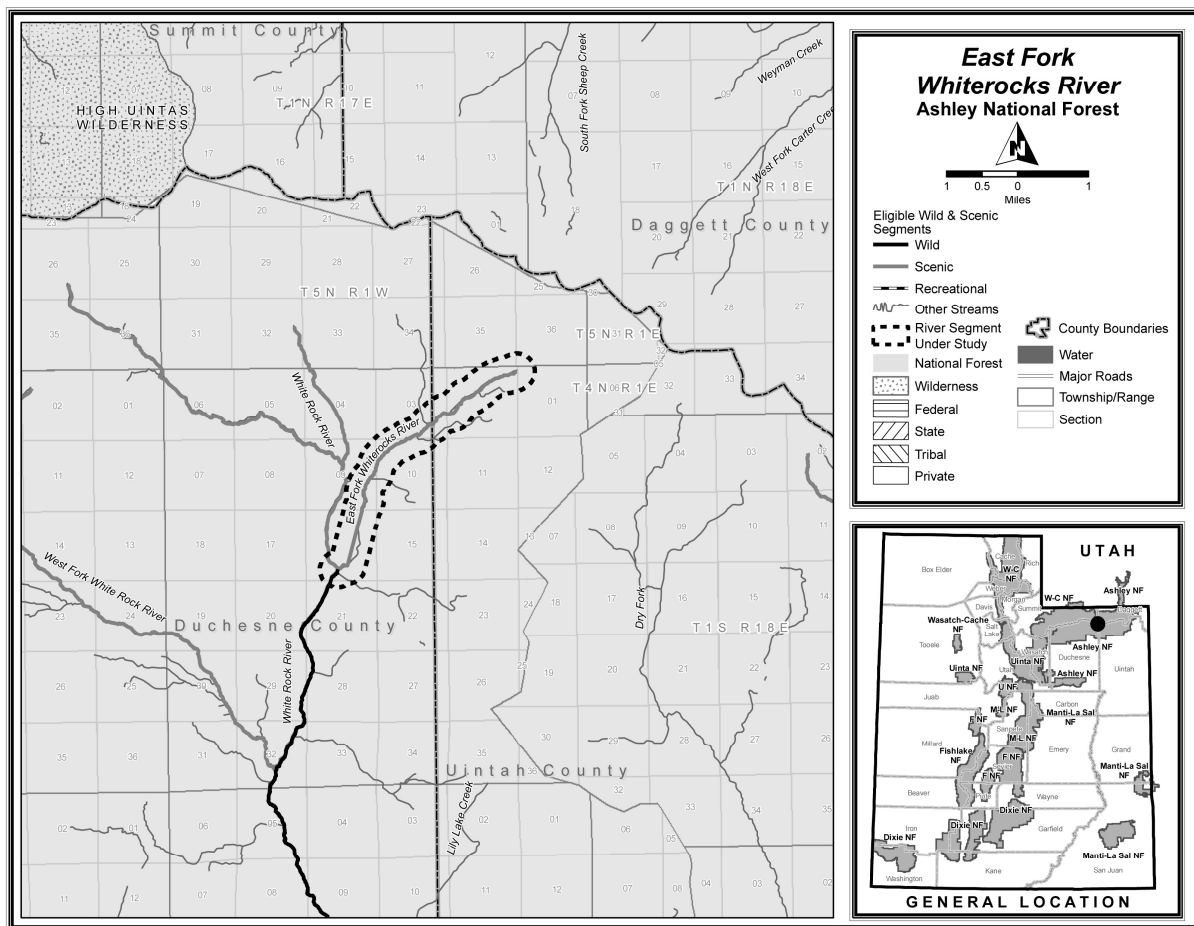
The proposed segment includes the majority of the West Fork Whiterocks watershed, which would offer good basin integrity and the opportunity to develop holistic protection strategies. In addition, basin integrity of the larger watershed could be improved by considering all of the additional segments in this watershed together, including Upper Whiterocks, East Fork Whiterocks, Middle Whiterocks, and Reader Creek.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

[illegible]



## STUDY AREA SUMMARY

**Name of River:** Upper and East Fork Whiterocks Creek

### River Mileage:

*Upper Whiterocks*

Studied: 3.93 miles from Chepeta Lake Dam to the junction with East Fork Whiterocks River.

Eligible: Same

*East Fork Whiterocks*

Studied: 4.33 miles - From the from the outlet structure of Whiterocks Lake Dam to a confluence with Upper Whiterocks River

Eligible: Same

### Location:

	Ashley National Forest, Vernal Ranger District, Duchesne and Uintah Counties, Utah		Congressional District UT -2	
	Start (TRS)	End (TRS)	Classification	Miles
Upper Whiterocks	SE ¼ NE ¼ Sect. 32, T 5 N, R 1 W, USM	SE ¼ SW ¼ Sect. 16, T 4 N, R 1 W, USM	Scenic	3.93
East Fork Whiterocks	NE ¼ NE ¼ Sect. 2, T 4 N, R 1 W, USM	SE ¼ SW ¼ Sect. 16, T 4 N, R 1 W, USM	Scenic	4.33

**Physical Description of River:** The watercourses cut through the broad glaciated basins of Uinta



Mountain quartzite. They pass through open meadows lined with willows, and patches of high elevation Engelmann spruce and subalpine vegetation. The topography is relatively low gradient and rolling. The riparian zone of the river has a cover of grasses, forbs, shrubs, and sedges.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** Dams at Whiterocks and Chepeta Lakes alter the downstream flows through these segments. There are no diversions or channel modifications in the segments themselves. During the eligibility process, the forest interdisciplinary team determined that there are sufficient flows in the watercourses throughout the year to maintain the outstandingly remarkable values.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – The Upper Whiterocks river crosses through a striking landscape of basins, meadows, ridgelines and peaks. Riparian areas and meadows provide seasonal variation in color during late fall months. There is exceptional contrast in vegetative cover with the high ridges that parallel both sides of the river and tributary. The corridor offers panoramic vistas of the peaks of the High Uintas backcountry, including cirques, lakes, and small streams along the corridor length. East Fork of Whiterocks River runs through a lush riparian area of meadow vegetation for approximately half of its length. Small lakes and streams within scenic basins and meadow corridors dot the northwestern facing slopes adjacent to the river. The riparian areas, bogs, meadows and conifer stands provide seasonal variation in color throughout the year. Late spring, summer and fall flowers are found in meadow locations and the riparian vegetation changes to yellows and reds in the late fall months. This highly scenic area attracts light to moderate hunting and fishing pressure, with users accessing the river area from the trailhead at Chepeta Lake. Three developed trails run parallel to and cross the segment at various locations. The season of use is from late June to mid-October.

**Recreation** – Upper Whiterocks River corridor is part of the Chepeta Lake recreation complex and receives considerable use related to fishing, hunting, horseback riding, driving for pleasure, hiking, and dispersed camping. Hundreds of visitors come to this area to participate in these activities, usually spending one to two nights in dispersed camping sites. The season of use is from late June to mid-October. The surrounding area also receives some snowmobile use during winter months, with users accessing the area from the road to Paradise Park Reservoir.

## **CLASSIFICATION**

**Basis for the Classification of River:** Both rivers are classified as Scenic.

Forest Development Road 110 crosses the upper end of the Upper Whiterocks just below the dam at Chepeta Lake. Trailhead parking, trails, a road bridge and rip-rapping, and outlet facilities for the dam are located at or near this crossing. The East Fork Whiterocks is accessible in places by road.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – Both segments are located entirely on the Ashley National Forest, Vernal Ranger District.

### Upper Whiterocks

River Mile	Ownership	Acres
0 – 3.93	Ashley National Forest	1257.6

### East Fork Whiterocks

River Mile	Ownership	Acres
0 – 4.33	Ashley National Forest	1385.6

In Duchesne County, which includes a portion of East Fork Whiterocks and all of Upper Whiterocks, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

In Uintah County, which includes a portion of East Fork Whiterocks, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (<http://www.co.uitah.ut.us/gis/Zoning%202005.pdf>). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):

- A. Forest product industries and buildings related thereto;
- B. Oil and gas wells, mining and processing of minerals;
- C. Gravel and rock quarries;
- D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- E. Hot-road-mix plants on temporary basis for not more than six months;
- F. Ski resorts, recreation camps and uses incidental to such uses;
- G. Gas stations, cafes, resorts;
- H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060)

<http://www.co.uitah.ut.us/countycode/index.html>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to these river segments ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – At the upper end of each segment, dams and outlet structures exist on Whiterocks Lake (East Fork Whiterocks) and Chepeta Lake (Upper Whiterocks). The dams are managed by the Whiterocks Irrigation Company under US Forest Service permit. These structures provide water storage and controlled releases to downstream water users. Other small dams exist on Wigwam, Papoose and Moccasin lakes, upstream of the Upper Whiterocks segment.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

Scoping Comments from the Central Utah Water Conservancy District identified potential water development plans. Chepeta Lake and all stretches of the Whiterocks River are being examined as part of the Uinta River Basin/Green River Water Development Project. The proposed water developments are below the segments. Water developments related to Chepeta Lake are upstream of the segments. These proposed projects are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – Forest Development Road 110 crosses the Upper Whiterocks segment just below the dam at Chepeta Lake. Trailhead parking, trails, a road bridge and rip-rapping, and outlet facilities for the dam are located at or near this crossing. Three developed trails run parallel to and cross the East Fork Whiterocks segment at various locations.

**Grazing Activities** – There is no permitted use of livestock on these segments. There is a sheep allotment that is now closed.

**Recreation Activities** – For the Upper Whiterocks segment, recreation is described in outstandingly remarkable values above. The East Fork Whiterocks area attracts light to moderate hunting and fishing pressure, with users accessing the river area from the trailhead at Chepeta Lake.

**Other Resource Activities** – Timber harvest has occurred in these watersheds and could potentially occur in the future. No harvest would be expected along the river corridors.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to all the Upper Whiterocks segment and the lower half of the East Fork Whiterocks segment.
- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the upper half of the East Fork Whiterocks segment.

This segment is located within the Tridell/LaPoint Drinking Water Source Protection Zone, as identified by the State of Utah.

All of East Fork Whiterocks is within an inventoried roadless area. All of Upper Whiterocks (except the crossing of Forest Road 110) is within inventoried roadless areas.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Whiterocks, Tridell, Lapoint, and Fort Duchesne. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). These communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism

([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Duchesne County, which includes a portion of East Fork Whiterocks and all of Upper Whiterocks, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

In Uintah county, which includes a portion of East Fork Whiterocks, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

**(3) Support or opposition to designation.**

Comments received during the eligibility study

Uintah County officials, Duchesne County officials, the Uintah County Water Conservancy District, the Duchesne Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to

reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

#### Comments received during scoping for the suitability study

Letters of support were received from several individuals and non-profit organizations. All of these letters addressed the Upper and East Fork Whiterocks segments in combination with the other eligible segments of the Whiterocks river system. Values cited included the remote, undeveloped setting; the diversity of scenery, terrain and habitat types present; and the collective contribution of these segments to river system or basin integrity. One letter noted that although a short stretch of the East Fork immediately below Whiterocks Reservoir is dry at certain times of the year, small tributaries along most of the segment provide enough water to sustain year-round flows.

Letters from the Central Utah Water Conservancy District and Uintah and Duchesne Water Conservancy Districts opposed designation based on potential conflicts with operation of existing reservoirs higher in the watershed that affect downstream flow regimes, including leaving portions of each segment dry while the reservoirs fill (but see other comments above and the Forest's assessment of flow regimes under section 4(a)). They also expressed concern that designation would affect water development potential for the area. The State of Utah commented that two potential reservoir sites have been identified in this drainage, but based on the legal descriptions provided both appear to be downstream of these segments.

One comment letter requested that any portion of the Whiterocks River abutting tar sands deposits not be considered suitable. The only known tar sands deposits are near the Forest boundary, well downstream of these segments.

#### Comments responding to the Draft EIS

Among the organizations and individuals in favor of WSR designation there was particularly strong support for rivers highlighted in the Utah Rivers Council letter, i.e.: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek. Many letters commented that all segments within a single river system should be considered together, because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity. Common examples included: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek

The Ashley Creek and Whiterocks river systems provide virtually all the water used by residents in the eastern Uintah Basin. Local officials and residents expressed great concern that operation of existing facilities would be restricted, compromising water rights and affecting local economies. Rapid population growth and potential oil shale development activities were also cited as reasons to retain the option of building additional water storage and delivery systems in these systems.

Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study. :

A common theme was that all rivers within Wilderness or roadless areas should be designated, in part because they pose few conflicts with other uses or activities and would be relatively simple to manage. In addition to the Wilderness rivers listed above, the following rivers were recommended based on being all or mostly within roadless: South Fork Ashley Creek, Ashley Gorge, all of the Whiterocks segments, and

Lower Dry Fork (these are examples; different letters cited different examples). Of the three organized campaigns all supported a positive finding of suitability for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, and Drinking Water Source Protection Zones for Tridell/LaPoint. Designation would also complement the joint efforts of the Ashley National Forest and the Utah Division of Wildlife Resources to restore a meta-population of native Colorado Cutthroat trout in the Whiterocks drainage.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with Duchesne and Uintah County zoning ordinances. Relevant portions of the County General Plans and Public Lands Policies are summarized as follows:

Uintah County

Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.
- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield.

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec. 2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no

manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

#### Duchesne County

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

#### **(5) Contribution to river system or basin integrity.**

The proposed segments include a large portion of these watersheds, except for the headwater areas above the reservoirs, which were not found eligible. The downstream watershed and basin integrity could be improved by considering the additional segments in this watershed together, including Upper Whiterocks, East Fork Whiterocks, Middle Whiterocks, and West Fork Whiterocks.

These segments are entirely on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

#### **(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

**Middle Whiterocks River  
Ashley National Forest**

Eligible Wild & Scenic Segments

- Wild
- Scenic
- Recreational
- Other Streams
- River Segment Under Study
- National Forest
- Wilderness
- Federal
- State
- Tribal
- Private

County Boundaries

- Water
- Major Roads
- Township/Range
- Section

Scale: 0 0.5 1 Miles

General Location Map:

UTAH

Box Elder, Wasatch-Cache NF, Uinta NF, Manti-La Sal NF, Grand, etc.

GENERAL LOCATION

Middle Whiterocks River	Ashley National Forest, Vernal Ranger District, Duchesne County, Utah		Congressional District 2	
	Start	End	Classification	Miles
	SE ¼ SW ¼ Sect. 16, T 4 N. R 1 W. USM	SE ¼ NE ¼ Sect. 22, T 3 N. R 1 W. USM	Wild	8.5

The topography is thin hummocky ground moraine and outwash with some inner gorges cut deep into the



underlying quartzite bedrock. Stream banks are armored with quartzite boulders and cobbles that are subject to extreme scouring with high flows associated with snowmelt in late May and early June. Stream bank stability for the most part is a function of bedrock and boulders, and in many reaches vegetation does not influence stream bank stability. Middle Whiterocks River descends through glacial canyon bottoms with mixed conifer forest at upper elevations and lodgepole pine at lower elevations. The river also passes through small wet meadows that are fed by numerous springs and seeps. This segment has high gradients, with abundant riffle habitat for fish, along with deep pools created by large pieces of wood and scour along bedrock cliffs. Currently, the watercourse has a strong population of brook trout, with a few cutthroat and rainbow trout. The segment may be included in the Colorado River Cutthroat Trout reintroduction plan as a travel corridor and habitat connectivity element. The watercourse is rated “High” for species diversity. It is part of a Colorado River Cutthroat meta population area and is important for conservation of this species. The river corridor is also critical for species migration and meta population development.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest, July 2005

**Determination of Free-flowing Condition:** The segment is free from channel modifications and structures. The natural stream flow of the river is unimpaired. The segment is free-flowing.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – Middle Whiterocks River is considered pristine in character. There are no roads, trails or water diversions in the canyon bottom for the entire length. Developed trails and roads are visible at various points along the river, but are located outside of the river corridor. Sights and sound of human activity are overcome by both distance and the sound of the cascading river. The scenic Cliff Lake falls is visible from this segment. The canyon bottom is extremely rugged, with small falls, pools, steep forested side slopes, side canyons, and many rock outcrops. Small areas of riparian vegetation provide seasonal variation in color. The scenic ORV has been identified as regionally important.

## **CLASSIFICATION**

### **Basis for the Classification of River – Wild**

Middle Whiterocks River is eligible for the Wild and Scenic River System. It is classified as a Wild river.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0-8.5	Ashley National Forest	2720

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (<http://www.co.uintah.ut.us/gis/Zoning%202005.pdf>). The RFM zone has been established as a district in

which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):

- A. Forest product industries and buildings related thereto;
- B. Oil and gas wells, mining and processing of minerals;
- C. Gravel and rock quarries;
- D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- E. Hot-road-mix plants on temporary basis for not more than six months;
- F. Ski resorts, recreation camps and uses incidental to such uses;
- G. Gas stations, cafes, resorts;
- H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060)

<http://www.co.uitah.ut.us/countycode/index.html>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no dams, diversions, or other channel modifications on this segment. Upstream water developments in the headwaters include dams at Chepeta and Whiterocks lakes. No future developments in this segment are known or expected at this time.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered) by potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – There are no roads, trails in the canyon bottom for the entire length. Developed trails and roads are visible at various points along the river, but are located at least one half mile or more from the river itself.

**Grazing Activities** – There is no permitted livestock use on this segment.

**Recreation Activities** –Some fishing occurs along portions of this segment. The season of use is from late June to mid-October. The remote, inaccessible nature of the canyon provides a very isolated recreational experience.

**Other Resource Activities** – Timber harvest has only occurred in the upstream headwaters of this watershed. The rugged nature and limited access of the Middle Whiterocks River corridor has precluded any harvest, and no harvest activities are expected in the future.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the entire segment.

This segment is located within the Tridell/LaPoint Drinking Water Source Protection Zone, as identified by the State of Utah.

All of the eligible segment on the Middle Whiterocks River is within an inventoried roadless area.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Whiterocks, Tridell, Lapoint, and Fort Duchesne. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). These communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Uintah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Uintah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

In Uintah County, which includes a portion of Middle Whiterocks, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

**(3) Support or opposition to designation.**

#### **Comments received during the eligibility study**

Uintah County officials, Duchesne County officials, the Uintah County Water Conservancy District, the Duchesne Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

#### **Comments received during scoping for the suitability study**

Letters of support were received from several individuals and non-profit organizations. All of these letters addressed the Middle Whiterocks segment in combination with the other eligible segments of the Whiterocks river system. Values cited included the remote, undeveloped setting; the diversity of scenery, terrain and habitat types present; and the collective contribution of these segments to river system or basin integrity.

Letters from the Central Utah Water Conservancy District and Uintah Water Conservancy District opposed designation based on potential conflicts with operation of existing reservoirs higher in the watershed (affecting downstream flow regimes) and possible impacts to the water development potential for the area. The State of Utah commented that a potential reservoir site has been identified southwest of Ice Cave peak. This site is downstream of the Middle Whiterocks segment. A second potential reservoir site is described as being in T3N, R1W, Section 9. This site may be on the Middle Whiterocks segment.

One comment letter requested that any portion of the Whiterocks River abutting tar sands deposits not be considered suitable. The only known tar sands deposits are near the Forest boundary, several miles downstream of the lowest eligible segment of the Whiterocks River.

#### Comments responding to the Draft EIS

Among the organizations and individuals in favor of WSR designation there was particularly strong support for rivers highlighted in the Utah Rivers Council letter, i.e.: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek. Many letters commented that all segments within a single river system should be considered together, because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity. Common examples included: Whiterocks River, including the Upper, West Fork, East Fork and Middle Main sections as well as Reader Creek

The Ashley Creek and Whiterocks river systems provide virtually all the water used by residents in the eastern Uintah Basin. Local officials and residents expressed great concern that operation of existing facilities would be restricted, compromising water rights and affecting local economies. Rapid population growth and potential oil shale development activities were also cited as reasons to retain the option of building additional water storage and delivery systems in these systems.

Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study.

A common theme was that all rivers within Wilderness or roadless areas should be designated, in part because they pose few conflicts with other uses or activities and would be relatively simple to manage. In addition to the Wilderness rivers listed above, the following rivers were recommended based on being all or mostly within roadless: South Fork Ashley Creek, Ashley Gorge, all of the Whiterocks segments, and Lower Dry Fork (these are examples; different letters cited different examples). Of the three organized campaigns all supported a positive finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, and Drinking Water Source Protection Zones for Tridell/LaPoint.

Designation would also complement the joint efforts of the Ashley National Forest and the Utah Division of Wildlife Resources to restore a meta-population of native Colorado Cutthroat trout in the Whiterocks drainage.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances in Duchesne and Uintah Counties. Relevant portions of the County General Plans and Public Lands Policies are summarized as follows:

### Uintah County

Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.
- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield.

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec. 2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

### Duchesne County

The Duchesne County General Plan states that special designations, including wild and scenic rivers, "may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield." The County's position is that:

- The objectives of special designations can be met by well-planned and managed development

of natural resources.

- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

**(5) Contribution to river system or basin integrity.**

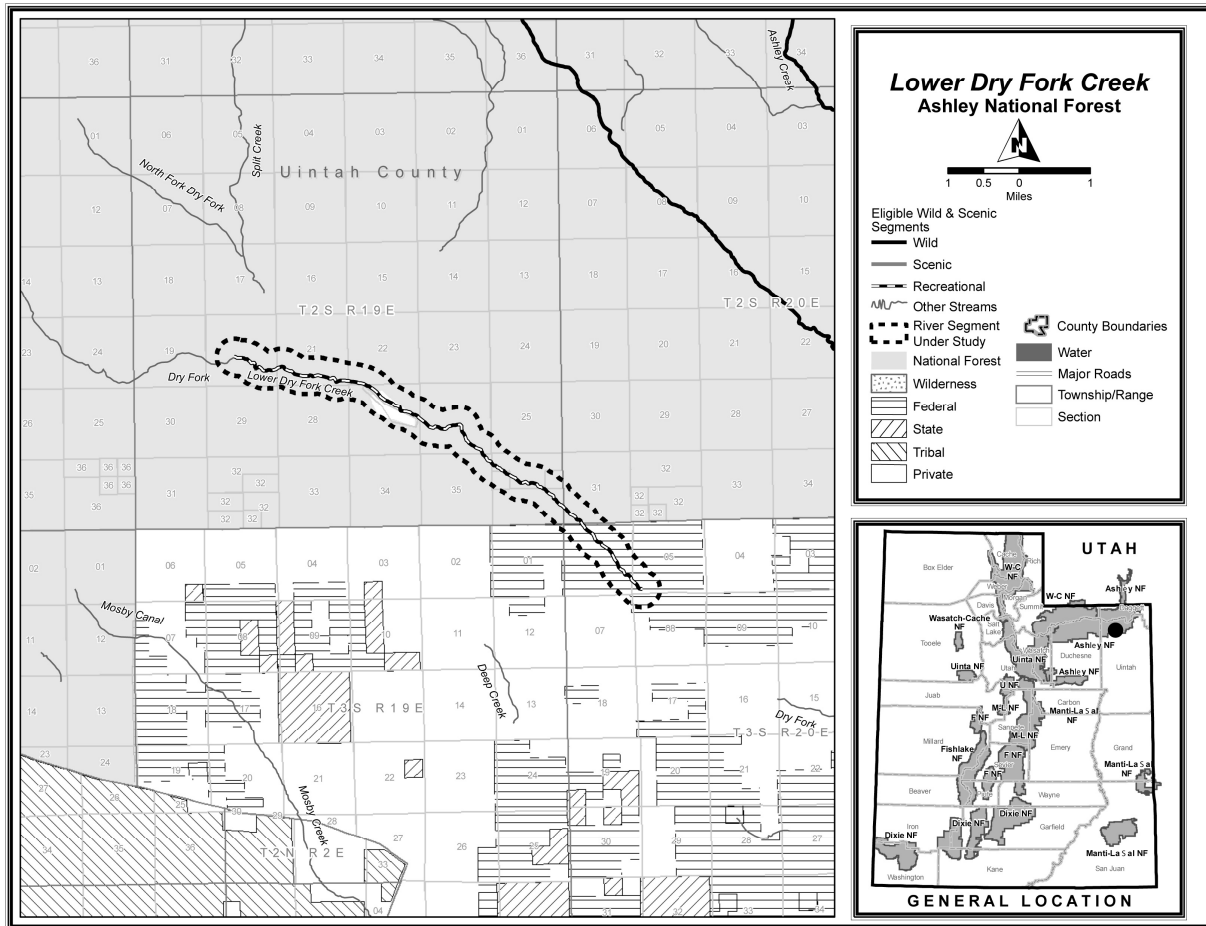
Designation could provide a comprehensive and holistic protection strategy with other cooperating agencies and public groups. Since the Middle Whiterocks segment only includes a portion of the entire watershed, basin integrity and the ability to design holistic protection strategies could be improved by considering the additional segments in this watershed together, including Upper Whiterocks, East Fork Whiterocks, Reader Creek, and West Fork Whiterocks.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

## Lower Dry Fork Creek Suitability Evaluation Report (SER)



### STUDY AREA SUMMARY

**Name of River:** Lower Dry Fork Creek

**River Mileage:**

Studied: 7.35 miles from the USGS Gauging Station at the large "sinks" area to the USGS Gauging Station located on land administered by the Bureau of Land Management approximately 1.75 miles south of the Ashley National Forest boundary.

Eligible: Same

**Location:**

Lower Dry Fork Creek	Ashley National Forest, Vernal Ranger District, Uintah County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NE ¼ SW ¼ Sect. 20, T 2 S, R 19 E, SLM	SW ¼ SW ¼ Sect 5, T 3 S, R 20 E, SLM	Recreational	7.35

**Physical Description of River:**

Lower Dry Fork flows through glacial outwash bottoms and alluvial colluvial side slopes. Side slopes are



rugged, and tributaries often cut into the underlying materials creating incised drainages that flow only in spring and after heavy summer storms. Flash floods carry sediment into the stream channel, and gullies have resulted where vegetation has been removed by fire and heavy summer storms. High intensity summer storms are common in this segment. Lower Dry Fork only flows after a large underground karst system is filled, and flows only through the month of June in most years. Water is diverted into the Mosby Canal below Upper Dry Fork and reduces the duration of flows in Lower Dry Fork. Flows in this segment are dependent on spring melt and recharged karst systems. Much of the water entering the karst system flows underground to the Ashley Creek Drainage.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** The Mosby Canal diversion in the Blanchett Park area of the Upper Dry Fork Creek segment and the sink areas lower stream flow to less than 20 percent. If the sinks were not present, flow rates would qualify the creek as free flowing. Since the sinks are a natural feature, the Forest interdisciplinary team classified the creek as free flowing.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Geologic/Hydrologic** – Lower Dry Fork flows through a glacial outwash bottom with alluvial-colluvial side slopes. Many debris deposits occur along the drainage bottom. The outwash is predominantly quartzite of the Uinta Mountain group, but limestone colluvial, and debris also occur. The slope wash has built terraces and side valley fans which stand well above the glacial outwash. Flash floods carry sediment into the stream channel, and gullies have resulted where vegetation has been removed by fire and heavy summer storms. High intensity summer storms are common in this segment. Over 200 feet of alluvium and outwash near the canyon mouth has filled and broadened the Dry Fork Canyon bottom. The eastern canyons lack this fill and are much narrower than Dry Fork. Lower Dry Fork only flows after a large underground karst system is filled, and flows only through the month of June in most years. Water is diverted into the Mosby Cannel below Upper Dry Fork and reduces the duration of flows in Lower Dry Fork. Flows in this segment are dependent on spring melt and recharged karst systems. Much of the water entering the karst system flows underground to the Ashley Creek Drainage.

Note: The Geologic/Hydrologic Value is the only value rated “High” that extends beyond the National Forest boundary on to land administered by the Bureau of Land Management.

**Wildlife** – This area is important summer range and travel corridor for a variety of wildlife including deer. Mountain lions and bobcats prefer the steep rugged bedrock areas of the side tributaries and bears can be found along this segment. There is potential for bats in the limestone caves and outcrops, and a wide variety of birds occur. The corridor has diverse riparian vegetation. Flammulated owl habitat exists within the corridor, and bird population diversity is high. Note: The Wildlife Value does not extend beyond the National Forest boundary on to land administered by the Bureau of Land Management.

**Historic** – There are old irrigation canals and remnants of a flume used in early timber harvesting activities. Historic gold mining activities and sheep use are evident throughout the segment.

Note: The Historic Value does not extend beyond the National Forest boundary on to land administered by the Bureau of Land Management.

**Cultural Value** – Culture resources are significant, with uses by archaic, Fremont and prehistoric peoples. Several important sites are found in the segment and are eligible for listing. Members of the Ute Tribe used the area during the 1940's and 1950's. Current use by Native Americans is known.

Note: The Cultural Value does not extend beyond the National Forest boundary on to land administered by the Bureau of Land Management.

## **CLASSIFICATION**

### **Basis for the Classification of River:** Recreational

Lower Dry Fork Creek is located adjacent to the heavily traveled Red Cloud Loop Scenic Backway (Forest Development 018). The Dry Fork Flume Interpretive Trail is located along portions of the watercourse.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – Land ownership is separated into the following segments. Mileages begin at the upstream point (mile 0) and move downstream (mile 7.35).

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 4.60	Ashley National Forest	1472
4.60 – 5.60	Private Land (Massey Ranch)	320
5.60 – 7.35	Bureau of Land Management	560
	<b>Total</b>	<b>2352</b>

Readers Note: The study area boundaries displayed in Appendix A, Suitability Evaluation Reports, do not represent actual Wild and Scenic River boundaries, but the area of interest for eligible river segments. It should be noted that of the eligible rivers studied, 14 of the 86 river segments appear to include portions of private land, at the end of segments near the National Forest boundary. These typically short river stretches (1/4 to 4 miles long) were included in the eligibility study as part of the river segment length because they brought the river segment to a logical terminus at a confluence with a larger stream, also contained the ORVs of the National Forest portion of the segment, or National Forest land was located within ¼ mile of these segments. These lengths are also included in the tables found in this suitability study. The magnitude of this effect is small, representing approximately 22 miles total over 14 segments, or less than 3 percent of the total mileage in the study. The final decision will apply only to river segments located on National Forest System lands. The dashed lines on the individual river maps represent the approximate 1/4 mile river corridor boundary of the river segment under study. If Congress chooses to add any of the recommended river segments to the National Wild and Scenic River System, the Forest Service would be required to develop Comprehensive River Management Plan (CRMP). Section 3(b) of the Wild and Scenic Rivers Act requires the establishment of detailed boundaries (an average of not more than 320 acres per river mile). At that time, the boundary would be adjusted to exclude private, State, or other Federal agency land located at the end or beginning of the river segment. Congress could include private lands (in holdings) within the boundaries of the designated river area, however, management restrictions would apply only to public lands.

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (<http://www.co.untah.ut.us/gis/Zoning%202005.pdf>). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):

- A. Forest product industries and buildings related thereto;
- B. Oil and gas wells, mining and processing of minerals;
- C. Gravel and rock quarries;
- D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- E. Hot-road-mix plants on temporary basis for not more than six months;

- F. Ski resorts, recreation camps and uses incidental to such uses;
- G. Gas stations, cafes, resorts;
- H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) <http://www.co.uintah.ut.us/countycode/index.html>

**Mineral and Energy Resource Activities** – Although there are no large past or active minerals or energy development activities located adjacent to this river segment, there are several existing mining claims in the general area ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the limited past development of these claims, and lack of obvious valuable mineralization, it is not expected that significant future minerals development will occur in this area, or that the existing claims would affect (or be affected by) possible designation of this river segment.

**Water Resources Development** – The Mosby Canal diversion in Blanchett Park and the sink areas lower stream flow to less than 20 percent. If the sinks were not present, flow rates would qualify the creek as free flowing. Since the sinks are a natural feature, the Forest interdisciplinary team classified the creek as free flowing. The karst system and sinks in this drainage make it a very poor candidate for water development.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah Basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. Any proposed projects are upstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

There are two potential water developments upstream of the proposed segments. They were identified in scoping comments from the Utah Div. of Water Resources: Blanchett Park Reservoir (T01S R18E Section 28, 72 ft height, 4,600 ac-ft capacity). This reservoir site is located on the main stem of Dry Fork Creek approximately 5 miles upstream of the Wild & Scenic river section. Although a larger reservoir could be filled, topography limits the practical size of the reservoir. The second is East Cottonwood Blanchett Park Reservoir (T02S R19E Section 26, 70 ft high, 3,000 ac-ft capacity). This reservoir would be located on Dry Fork Creek at the south end of Brownie Canyon, east of Charley's Park. The reservoir would be used for flood control and summer irrigation storage.

There are BOR withdrawn lands downstream from the studied segment.

**Transportation, Facilities, and Other Developments** – Lower Dry Fork Creek is located adjacent to the heavily traveled Red Cloud Loop Scenic Backway (Forest Development Road 018). The Dry Fork Flume Interpretive Trail is located along portions of the watercourse.

**Grazing Activities** – A portion of the Lake Fork Mountain allotment is within this segment, which permits 276 cow/calf pairs from June 16 – September 29.

**Recreation Activities** – Hunting, dispersed camping, mountain biking, and hiking are the main recreation activities during late spring to late fall months. Some kayaking and canoeing occurs in portions of the creek for about a 30 to 40 day period during early spring runoff (class 3 and 4 experience level). Snowmobiling along the scenic backway is a popular activity during winter months. Most recreationists are from the local area.

**Other Resource Activities** – Timber harvest has occurred in this watershed and could potentially occur in the future. No harvest would be expected along the river corridor.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription encompasses the majority of the segment.
- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription applies to some scattered areas in the segment.
- (e) Wildlife habitat emphasis. Includes portions of summer and winter ranges, calving and fawning areas or Threatened and Endangered Species Habitat. The riparian objective is to allow activity only to protect and improve wildlife habitat. This prescription applies to some areas on the north side of the river corridor.

Approximately 3.3 miles of this segment are within the Ashley Spring (Vernal City) Drinking Water Source Protection Zone. This same area is set aside and managed as the Vernal municipal watershed.

A portion of this river corridor is within the Vernal municipal watershed, and the Surface Water Protection Zone for Ashley Spring (Vernal municipal watershed).

Inventoried roadless areas are on both sides of the Red Cloud Loop Scenic Backway, which parallels this segment.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Dry Fork, Maeser, Naples and Vernal. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). The Ashley Valley is set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism.

([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The segment is administered primarily by the USFS. One section of the segment is private and another is administered by the BLM.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

**(3) Support or opposition to designation.**

#### **Comments received during the eligibility study**

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

#### **Comments received during scoping for the suitability study**

Three comment letters specifically mentioned Lower Dry Fork; all were opposed to designation. The reasons given included lack of year-round flow, presence of private land along part of the segment,

inconsistencies with BLM Wild and Scenic River studies (which did not find the BLM portion of this segment to be eligible), and the need to actively manage the river to provide water for human use and prevent damage to private property. The State of Utah also identified two potential reservoir projects that could be affected, both of which appear to be above the eligible segment. (Note: the State also mentioned three potential reservoir sites in connection with South Fork of Ashley Creek, which are actually located in the Dry Fork watershed. The State may have meant to include these in its comments on Lower Dry Fork. All appear to be above the eligible segment).

#### Comments responding to Draft EIS

A common theme was that all rivers within Wilderness or roadless areas should be designated, in part because they pose few conflicts with other uses or activities and would be relatively simple to manage. In addition to the Wilderness rivers listed above, the following rivers were recommended based on being all or mostly within roadless: South Fork Ashley Creek, Ashley Gorge, all of the Whiterocks segments, and Lower Dry Fork (these are examples; different letters cited different examples). Of the three organized campaigns none supported a positive finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, Drinking Water Source Protection Zones, and the Vernal Municipal Watershed.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
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Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec. 2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.

- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

**(5) Contribution to river system or basin integrity.**

This majority of this segment is on National Forest System Lands, with the last few miles on private and lands administered by the BLM. Designation could provide a comprehensive and holistic protection strategy between the Ashley National Forest, private ownership, BLM, other cooperating agencies, and public groups.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

**South Fork Ashley Creek  
Ashley National Forest**

Eligible Wild & Scenic Segments

- Wild
- Scenic
- Recreational
- Other Streams
- River Segment
- Under Study

County Boundaries

- National Forest
- Wilderness
- Federal
- State
- Tribal
- Private
- Water
- Major Roads
- Township/Range
- Section

Scale: 0 to 1 Miles

Inset Map: GENERAL LOCATION (UTAH)

Map Labels: T1N R19E, T1S R19E, T2S R18E, T2S R19E, T2S R20E, East Fork Center Creek, Deep Creek, Center Creek, Trout Creek, North Fork Ashley Creek, South Fork Ashley Creek, North Brownie Creek, South Brownie Creek, Spill Creek, North Fork Dry Fork, Dry Fork, Burnt Creek.

A-82



meadows before entering the main Ashley Creek. Lush areas of riparian areas exist in the lower part of the segment as it passes through Horseshoe and Hicks Parks.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** There are no diversions or impoundments in this segment.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – Lakeshore Basin is part of the upper headwaters of this segment and is a highly scenic backcountry area. Forested slopes, glaciated cirques and basins, lateral moraines, rock outcrops, steep escarpments, alpine meadow, and small lakes are located adjacent to this beautiful stream. Spruce, fir, other conifer stands, and ground vegetation provide scenic contrast with the ridges, meadows, lakes and streams in the watercourse corridor. Outstanding views of Leidy and Marsh Peaks exist along the watercourse corridor. Lush areas of riparian areas exist in the lower part of the segment as it passes through Horseshoe and Hicks Parks. Vegetative color changes occur during spring and early summer flower bloom, and during the fall as the leaves change color in small stands of aspen and riparian vegetation.

**Geologic/Hydrologic** – South Fork Ashley Creek is located in a glaciated valley. Meadows occur along the drainage in the lower portion of the segment. These meadows have not been glaciated; rather they are filled in lakebeds from glacial melt. Shale outcrops of the Uinta Mountain Quartzite occur at the head of the drainage, and considerable cutting and erosion is taking place. Uinta Mountain Quartzite underlies the broad tree covered drainages. In addition to the mainstream channels through the canyon bottoms, there are numerous areas of underflow with short intermittent channels. The gross shape of the landform was probably formed during Browns Park time with minor modifications, such as the formation of the stone streams during the ice age. This area was not glaciated, but large ice sheets did cover much of the area. Meadows are dominant features in areas where they formed behind bedrock constrictions, and in areas where former lakes were filled in following melting of ice sheets. These meadows are extremely wet and boggy all or most of the year and have perched water tables. Runoff is high and disturbed soils are deposited in stream channels by overland flows during summer thunderstorms and late spring snowmelt periods. Headcuts and gullies are localized near stream channels where livestock grazing and watering have been excessive. The dominant process occurring in these meadows is a slow buildup of organic material, leaching of iron from the Uinta Mountain quartzite, and slow lateral migration of the stream channels with accompanying bank caving. These areas are snowbound by early November and sometimes earlier. Diverse glaciated features exist within the watercourse corridor, i.e., Lake Wilde, other alpine lakes, unaltered streams, lateral moraines, scour, hummocky frost boreal, landslides, and a fault at the head of Lakeshore Basin. The watercourse corridor is classified as a “reference condition” for the stream type.

**Wildlife Value** – This segment provides high value summer range for deer, elk and moose. The corridor of the watercourse also traverses through potential lynx habitat. There is a high potential for amphibians in the numerous potholes geologic/hydrologic features within the watercourse corridor. In addition, Pine Martins are abundant in this drainage and Northern Goshawks frequent the corridor during summer months.

## **CLASSIFICATION**

**Basis for the Classification of River:** Scenic

The Red Cloud Loop Scenic Backway (Forest Development Road 018) and several undeveloped trails cross and parallel the middle portion of the segment. Forest Development Trail 026 parallels the

watercourse for most of its length. Areas adjacent to Horseshoe and Hicks Parks have been part of timber sale programs for the Vernal District in both recent and past years.

### **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 14.53	Ashley National Forest	4649.6

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (<http://www.co.uitah.ut.us/gis/Zoning%202005.pdf>). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):

- A. Forest product industries and buildings related thereto;
- B. Oil and gas wells, mining and processing of minerals;
- C. Gravel and rock quarries;
- D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- E. Hot-road-mix plants on temporary basis for not more than six months;
- F. Ski resorts, recreation camps and uses incidental to such uses;
- G. Gas stations, cafes, resorts;
- H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) <http://www.co.uitah.ut.us/countycode/index.html>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no diversions, impoundments or channel modifications on this segment. Water developments within the watershed include dams on Ashley Twin and Goose Lakes that are upstream of the segment. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and

lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

There are four proposed water development projects in the Utah State Water Plan for the Uintah Basin in the vicinity of the eligible Scenic river segments. Three of the proposed projects are upstream or downstream of the studied segment, and are not expected to alter (or be altered by) potential Wild and Scenic designation. The fourth is located on the studied segment.

Four potential water developments were identified in scoping comments from the Utah Div. of Water Resources:

Dry Fork Twins Reservoir (T01S R18E Section 22, 49 ft high, 3,200 ac-ft capacity). Located on the Twin Lake Fork of Dry Fork Creek. The U.S. Natural Resources Conservation Service conducted a geologic investigation of this site and cost estimate for the dam in 1965.

Harmston Park (T01S R18E Section 23, 67 ft. high, 2,220 ac-ft capacity). This site is located near the Twin Lakes Fork of Dry Fork Creek, approximately 0.5 mile upstream from existing Dry Fork Twin Lakes and 1.0 mile down stream from proposed Reynolds Lake Reservoir. This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.

Reynolds Lake Reservoir (T01S R18E Section 24, 48 ft. high 1,000 ac-ft capacity). This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.

Trout Creek Reservoir (T01S R19E Section 13, 116 ft. high, 14,400 ac-ft). This is on the South Fork Ashley Creek Wild and Scenic River segment. Proposed in a 1975 study and revisited in 1988 by Bingham Engineering for the Dry Fork/Ashley Creek Flood Control Project, this reservoir would attenuate springtime flooding by storing high flows from Trout Creek and the North Fork of Ashley Creek. The reservoir would also retain water for the late summer irrigation demands for a portion of 17,000 acres of cropland. Located 25 miles northwest of Vernal at the confluence of the two creeks, the reservoir was originally proposed at a 25,000 ac-ft capacity by the Soil Conservation Service.

**Transportation, Facilities, and Other Developments** – The Red Cloud Loop Scenic Backway (Forest Development Road 018) and several undeveloped trails cross and parallel the middle portion of the segment. Forest Development Trail 026 parallels the watercourse for most of its length.

**Grazing Activities** – The South Fork of Ashley Creek borders the Taylor Mountain allotment and includes portions of the Black Canyon allotment. The majority of use would be from the Black Canyon allotment, which permits 405 cow/calf pairs from June 16 – October 15.

**Recreation Activities** – Backpacking and recreation stock use occurs in the non-motorized Lakeshore Basin area of the segment. Horseshoe and Hick Parks provides a setting for dispersed camping along portions of the creek. These large open meadows areas receive moderate to heavy fishing pressure, with most use near the crossing of the Red Cloud Loop Scenic Backway (FDR 018). Use of this area is also heavy during the deer and elk hunting season. The season of use is from late June to mid-October for the dispersed recreation uses. The surrounding area also receives some snowmobile use during winter month. Snowmobilers access the area from trailheads located in both Dry Fork Canyon and on the Flaming Gorge/Uintas National Scenic Byway (US Highway 191). Most recreationists are from the local area.

**Other Resource Activities** – Timber harvest has occurred in this watershed and could potentially occur

in the future. No harvest would be expected along the river corridor. Areas adjacent to Horseshoe and Hicks Parks have been part of timber sale programs for the Vernal District in both recent and past years.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the upper half of this segment.
- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the lower half of the segment.
- (a) Research Natural Areas (RNA). These are areas of minimal management impacts. Various representative ecosystems are to be maintained for future research use. This prescription applies to the Sims Peak Potholes Research Natural Area (RNA), which overlaps with the ½ mile river corridor on the south side. This RNA was established for its representative subalpine fir/grouseberry (*Abies lasiocarpa/Vaccinium scoparium*) forest type, along with its kettle lakes and ponds, bogs, marshes, and wet meadows.

Approximately 6.3 miles of this segment are within the Ashley Spring (Vernal City) Drinking Water Source Protection Zone.

The majority of this segment (except for 1.5 miles near the Red Cloud Loop) falls within inventoried roadless areas.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Maeser, Naples and Vernal. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). The Ashley valley is set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be

\$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Uintah county, which includes a portion of East Fork Whiterocks, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

**(3) Support or opposition to designation.**

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

#### **Comments received during the eligibility study:**

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

#### **Comments received during scoping for the suitability study:**

Letters in support of designation were received from a local land owner and two non-profit organizations. These letters cited its scenic qualities and contribution to river system/basin integrity as reasons it should be considered suitable. One letter also expressed concern that any new reservoir construction on Ashley Creek would negatively affect recharge of the aquifer underlying Ashley Valley, and supported designation as a means of preventing further development.

Letters from the Uintah Water Conservancy District (UWCD) and a group of Ashley valley residents expressed opposition to designation. These letters cited the need for irrigation, municipal and industrial water and risk to private property if the river is not properly managed as reasons it should not be considered suitable. The State of Utah and UWCD also identified a potential reservoir site at Trout Creek, on the eligible segment. (Three other potential reservoir sites were mentioned in the State's letter as affecting the South Fork of Ashley Creek. However, all three are in the Dry Fork watershed and were perhaps intended as comments on the Lower Dry Fork segment).

#### **Comments responding to Draft EIS**

Many letters commented that all segments within a single river system should be considered together, because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity. Common examples included: South Fork Ashley, Ashley Gorge and Black Canyon.

The Ashley Creek and Whiterocks river systems provide virtually all the water used by residents in the eastern Uintah Basin. Local officials and residents expressed great concern that operation of existing facilities would be restricted, compromising water rights and affecting local economies. Rapid population growth and potential oil shale development activities were also cited as reasons to retain the option of building additional water storage and delivery systems in these systems.

Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study.

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Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study. Of the three organized campaigns none supported a positive finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, Drinking Water Source Protection Zones, the Vernal Municipal Watershed, and the Sims Peak Potholes Research Natural Area.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.
- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield.

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec. 2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

**(5) Contribution to river system or basin integrity.**

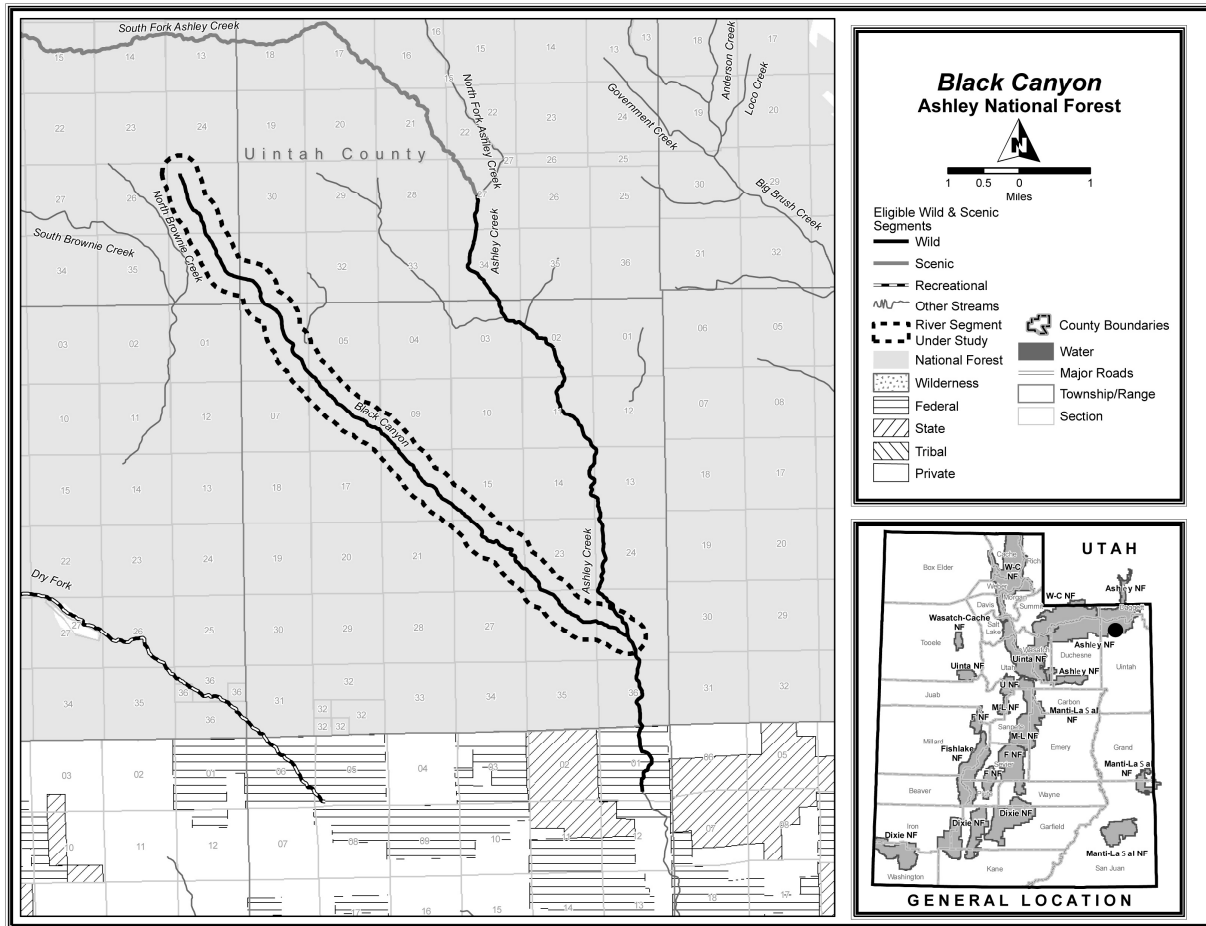
The proposed segment includes the majority of the South Fork Ashley watershed, which would offer good basin integrity and the opportunity to develop holistic protection strategies. In addition the basin integrity of the larger watershed area could be improved by considering Ashley Gorge, Black Canyon, and South Fork Ashley Creek together.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

## Black Canyon River Suitability Evaluation Report (SER)



### STUDY AREA SUMMARY

**Name of River:** Black Canyon

**River Mileage:**

Studied: 9.86 miles, from the upper end of Frenches Park to the confluence with Ashley Gorge Creek.

Eligible: Same

**Location:**

Black Canyon	Ashley National Forest, Vernal Ranger District, Uintah County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NW ¼ NW ¼ Sect. 25, T 1 S., R 19 E., SLM	NE ¼ SW ¼ Sect. 25, T 2 S., R 20 E., SLM	Wild	9.86

**Physical Description of River:** The headwaters of Black Canyon are on a mid elevation plateau with weakly dissected drainages and moderate grade channels. The segment descends through moderately dissected slopes. The segment eventually reaches a deeply incised gorge in the lower end before entering the main Ashley Creek drainage. There are small meandering streams in the bottom, but they are not actively cutting or gulling at present. There are many sections that are intermittently dry, due to water



entering or sinking in the underlying karst limestone system.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** There are no diversions, channel modifications or impoundments in this segment. The sinks in the upper areas of the segment reduce stream flows. Since they are considered part of the natural stream environment, the Forest interdisciplinary team classified the segment as free flowing.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – Black Canyon is located in both meadow and canyon environments, with lodgepole and aspen stands on adjacent side slopes. Black Canyon is a highly scenic canyon, with access limited to several undeveloped roads near the upper end of the canyon. The canyon is very similar in scenic beauty to the lower portion of Ashley Gorge. The canyon area is relatively isolated and inaccessible. A combination of open meadows, forested side slopes, colorful rock outcrops and steep gorge-like canyons, and small stringers of riparian vegetation provide striking diversity in the landscape. Numerous deciduous trees (aspen, maple, willow, etc., are located in the canyon bottom. Logging roads are found in the upper headwaters. Panoramic views of Ashley Valley exist from several locations within the canyon.

**Geologic/Hydrologic** – Black Canyon begins on a nearly level plateau formed in the Bishop Conglomerate. It is an erosional surface that developed in a depositional environment prior to uplifting and down cutting of the Uinta Mountains. The colluviums of the Bishop Conglomerate overlay the lithology of other formations, including Mississippian limestones. The canyon bottoms are open and rounded at the weakly-dissected headwater area. There is little or no dissection of the side slopes, and few secondary tributaries exist.

There are small meandering streams in the bottom, but they are not actively cutting or gulling at present. There are many sections that are intermittently dry, due to water entering or sinking in the underlying karst limestones system. The lower portion of this segment consists of exceedingly steep canyon sides and vertical cliffs underlain by Weber Sandstones. The vertical nature of these slopes is caused by "jointing" in the Weber formation. In the process of down cutting the valleys, the stream also undercut the bottoms of the canyons, thus removing support from the overlying rocks. The already existing "joint sets" create natural planes of weakness for rocks to break and fall. Thus, the process of canyon formation is accompanied by frequent spectacular rock falls.

The jagged canyon sides of sandstone bedrock make access extremely limited. There are numerous boulders and down woody debris in the narrow canyon bottom, making access extremely difficult. These geological and natural features are important in a hydrologic sense, since they cause that any precipitation is rapidly discharged directly to the stream channel. Fossils can be found in various formations. The Bishop conglomerate over limestone has resulted in the karst system sinks system. There is a clear stratification of various sandstone and limestone formations exposed in canyon walls.

**Wildlife** – This area provides extremely important habitat for raptors, including Peregrine Falcon and Northern Goshawk. Bobcat, mountain lion and bear also inhabit the watershed corridor. The upper portion of the canyon supports heavy use by elk and deer.

## **CLASSIFICATION**

**Basis for the Classification of River:** Wild

The Black Canyon area is relatively isolated and inaccessible. Logging roads are found in the upper

headwaters of the segment, but are outside of the corridor of the watercourse.

### **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 9.86	Ashley National Forest	3155.2

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (<http://www.co.uitah.ut.us/gis/Zoning%202005.pdf>). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):

- A. Forest product industries and buildings related thereto;
- B. Oil and gas wells, mining and processing of minerals;
- C. Gravel and rock quarries;
- D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- E. Hot-road-mix plants on temporary basis for not more than six months;
- F. Ski resorts, recreation camps and uses incidental to such uses;
- G. Gas stations, cafes, resorts;
- H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) <http://www.co.uitah.ut.us/countycode/index.html>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no diversions, impoundments or channel modifications on this segment. No future water developments are known or expected at this time.

The Utah State Water Plan for the Uintah Basin (1999), identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – Black Canyon is relatively isolated and inaccessible. Logging roads are found in the upper headwaters of the segment, but are outside of the corridor of the watercourse.

**Grazing Activities** – The Black Canyon allotment is within this segment, which permits 405 cow/calf pairs from June 16 – October 15. The majority of use occurs in the upper two miles of the segment, downstream the canyon becomes too confined, rugged and remote.

**Recreation Activities** – The segment receives light recreation use in the form of hiking, horseback riding, hunting, and some fishing. Most recreationists are from the local area.

**Other Resource Activities** – Timber harvest has occurred in this watershed, but only in the upper headwaters, because of the rugged and inaccessible nature of the lower canyon. Any future harvesting would also occur in the upper watershed, with no direct harvest expected along the river corridor.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription encompasses the majority of the segment.
- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription applies to some scattered areas in the segment.
- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the area near the confluence with Ashley Creek.

All of this segment falls within the Ashley Spring (Vernal City) Drinking Water Source Protection Zone. A portion of this same area is set aside and managed as the Vernal municipal watershed.

Except for the first mile, the remaining 9 miles of this segment are completely within an inventoried roadless area.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Maeser, Naples and Vernal. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). The Ashley Valley is set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

**(3) Support or opposition to designation.**

#### **Comments received during the eligibility study**

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

#### Comments received during scoping for the suitability study

Letters supporting designation were received from several individuals and nonprofit organizations. These letters cited its wild character, contribution to river system/basin integrity, scenery, and wildlife habitat values as reasons it should be considered suitable. One letter also expressed concern that any new reservoir construction on the Ashley Creek system would negatively affect recharge of the aquifer underlying Ashley Valley, and supported designation as a means of preventing further development.

A letter from the Uintah Water Conservancy District opposed designation. This letter cited seasonally dry channels in some portions of the segment as a reason it should not be considered suitable for inclusion in the Wild and Scenic River System.

#### Comments responding to the draft EIS

Many letters commented that all segments within a single river system should be considered together, because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity. Common examples included: South Fork Ashley, Ashley Gorge and Black Canyon.

The Ashley Creek and Whiterocks river systems provide virtually all the water used by residents in the eastern Uintah Basin. Local officials and residents expressed great concern that operation of existing facilities would be restricted, compromising water rights and affecting local economies. Rapid population growth and potential oil shale development activities were also cited as reasons to retain the option of building additional water storage and delivery systems in these systems.

Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study.

A common theme was that all rivers within Wilderness or roadless areas should be designated, in part because they pose few conflicts with other uses or activities and would be relatively simple to manage. In addition to the Wilderness rivers listed above, the following rivers were recommended based on being all or mostly within roadless: South Fork Ashley Creek, Ashley Gorge, all of the Whiterocks segments, and Lower Dry Fork (these are examples; different letters cited different examples). Of the three organized campaigns none supported a positive finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, Drinking Water Source Protection Zones, and the Vernal Municipal Watershed.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.

- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.
- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield.

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec. 2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

**(5) Contribution to river system or basin integrity.**

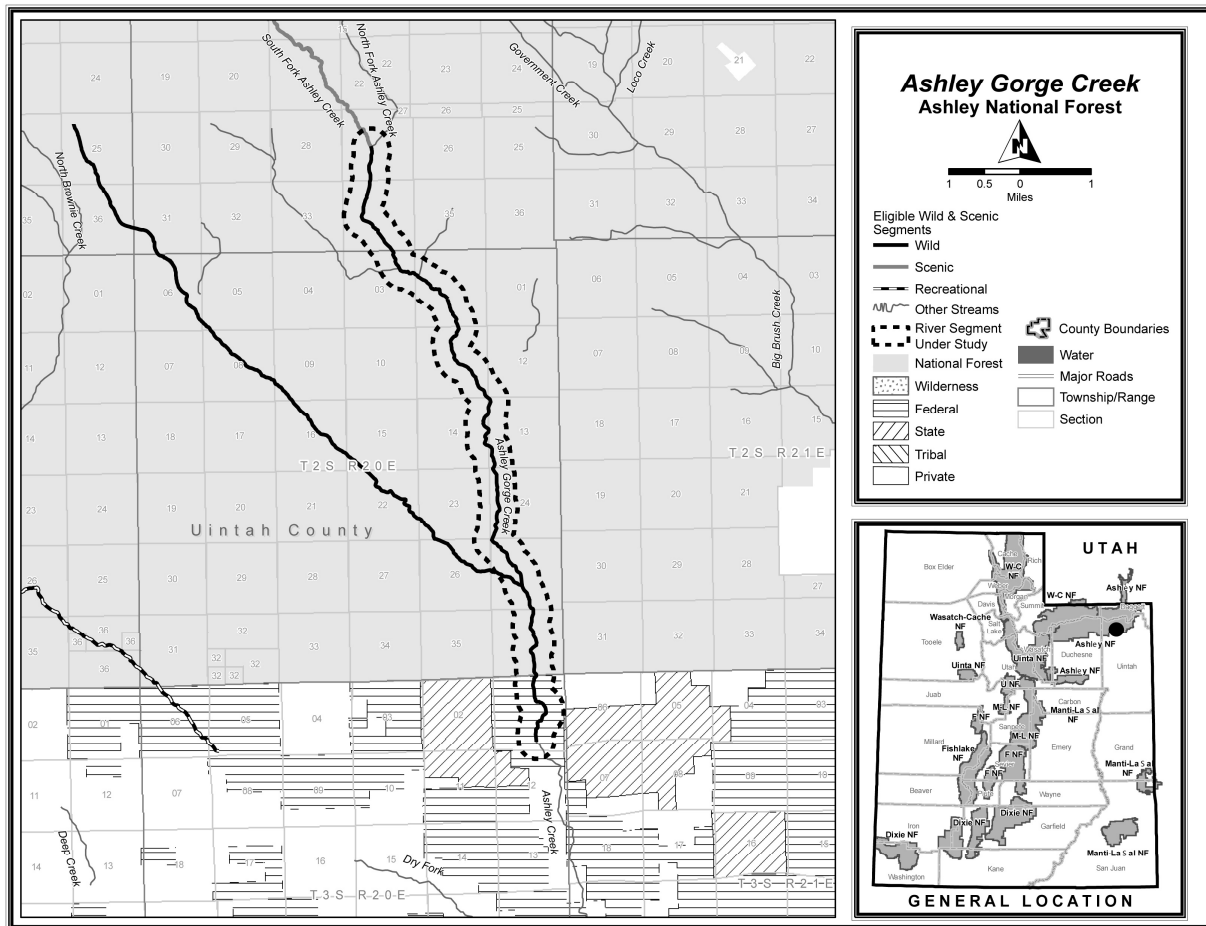
The proposed segment includes the majority of the Black Canyon watershed, which would offer good basin integrity and the opportunity to develop holistic protection strategies. In addition the basin integrity of the larger watershed area could be improved by considering Ashley Gorge, Black Canyon, and South Fork Ashley Creek together.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

## Ashley Gorge Creek Suitability Evaluation Report (SER)



### STUDY AREA SUMMARY

**Name of River:** Ashley Gorge Creek

**River Mileage:**

Studied: 10.16 miles, from the junction with the North Fork and South Fork Ashley Creeks to the mouth of the Gorge at the “spring box” located approximately 1.07 miles south of the Ashley National Forest.

Eligible: Same

**Location:**

Ashley Gorge Creek	Ashley National Forest, Vernal Ranger District, Uintah County, Utah		Congressional District UT-2	
	Start	End	Classification	Miles
Segment 1	NE ¼ SW ¼ Sect. 27 T 1 S, R 20 E, SLM	SW ¼ SE ¼ Sect. 1, T 3 S, R 20 E, SLM	Wild	10.16

**Physical Description of River:**

Ashley Gorge Creek is located in an extremely rugged and steep canyon area, with the exception of short sections near the upper and lower ends of the segment, i.e., near the junction of the segment with the North and South Forks of Ashley Creek, and at the terminus near the “spring box” on land administered

by the Bureau of Land Management. The upper portion of this segment flows between steep colluvial slopes underlain by Mississippian limestone. The stream at the bottom constantly removes material, thus keeping the slope movement active. Much of the valley bottom is filled with alluvium and glacial outwash, with numerous benches and debris flows below the side slopes. The slope wash has built terraces and side valley fans which stand well above the glacial outwash. Flash floods carry sediment into the stream channels, but the numerous boulders in the material inhibits deep cutting. The lower gorge has exceedingly steep canyon sides and vertical cliffs, underlain by the Weber Sandstones. Whitewater and high flows occur in spring with snow and ice thaws. Duration of high flows is dependent on snow pack and summer storms. The springs in the lower portion of the gorge are charged by water entering a large karst system connected to the Dry Fork, Brownie Canyon, and other drainages. Water discharged from Oaks Park is diverted in a side drainage and enters Ashley Creek about 1/4 of the way down the drainage. Flows from this diversion add additional water in the fall when natural flows are reduced. As in other drainages along the Western Section, there is considerable loss of water to the underground karst system.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** There are no diversions or impoundments in this segment. The flow reductions associated with the sinks in the canyon are considered as part of the natural stream environment.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – Ashley Gorge is located in an extremely rugged and steep canyon area, with the exception of short sections near the upper and lower ends of the segment, i.e., near the junction of the segment with the North and South Forks of Ashley Creek, and at the terminus near the “spring box” on land administered by the Bureau of Land Management. Steep slopes, rock outcrops, and a mosaic of conifers, aspen, cottonwoods and willows provide breathtaking scenery to those who venture on foot in the canyon.

**Geologic/Hydrologic** – The upper portion of this segment flows between steep colluvial slopes underlain by Mississippian limestone. There are numerous palisade cliffs with talus piles beneath. There is active down slope movement of the colluviums, probably by creep. The stream at the bottom constantly removes material, thus keeping the slope movement active.

Much of the valley bottom is filled with alluvium and glacial outwash, with numerous benches and debris flows below the side slopes. As opposed to the outwash, which is composed of Uinta Mountain quartzite, the slope wash is composed of material derived from the Morgan and Weber formations. The slope wash has built terraces and side valley fans which stand well above the glacial outwash. Flash floods carry sediment into the stream channels, but the numerous boulders in the material inhibits deep cutting. The lower gorge has exceedingly steep canyon sides and vertical cliffs, underlain by the Weber Sandstones. The vertical nature of these slopes is caused by the "jointing" in the Weber formation. In the process of down cutting the valleys, the stream also undercut the bottoms of the canyon thus removing support from the overlying rocks. The already existing "joint sets" create natural planes of weakness for rocks to fracture, break and fall. Thus, the process of canyon formation is accompanied by very impressive and spectacular rock falls. Whitewater and high flows occur in spring with snow and ice thaws. Duration of high flows is dependent on snow pack and summer storms. High flows and the rugged nature of the land provide the adventurous with unforgettable experiences. However, due to the isolation and rugged nature of the gorge, easy access is not possible. The springs in the lower portion of the gorge are charged by water entering a large karst system connected to the Dry Fork, Brownie Canyon, and other drainages. This limestone karst system (sinkholes, caves, and underground drainage) provides a significant amount of water for the Vernal Municipal Watershed. Water discharged from Oaks Park is diverted in a side drainage and enters Ashley Creek about 1/4 of the way down the drainage. Flows from this diversion add



additional water in the fall when natural flows are reduced. As in other drainages along the Western Section, there is considerable loss of water to the underground karst system.

**Wildlife** – Good wildlife habitat exists due to the diversity of vegetation and deciduous trees in the canyon corridor. Habitat exists for peregrine falcon. The corridor serves as an escape route for deer and elk. This segment also provides important habitat for raptors. It also has potential for bats. The segment is valuable habitat for bobcat, cougar, and bear. The benches above the canyon bottom and within the 0.5-mile wide corridor provide habitat for deer in the spring and fall.

**Historic** – Red Pine Trail is an historic transportation route. There is also evidence of an old trail along the canyon bottom, with several historic mining sites and writings on rocks and boulders. The springs in the lower area of the gorge were used as water sources during early settlement days.

**Other Similar Values** – This segment of Ashley Creek begins in irregular shaped, steep and very steep limestone canyon side slopes. The drainage descends a boulder falls just above the Redpine setting location, and enters what is known as Ashley Gorge. Vegetation is highly diverse from the top of the canyon to the bottom. There is not much of a riparian zone in the bottom. Numerous springs occur toward the mouth of the gorge. The Research Natural Area within the corridor is a good representation of local undisturbed community types: riparian, cottonwood, dogwood, and blue spruce understory communities. Aspen snowberry community occurs, with mixed conifer on numerous debris fans and on lower canyon slump slopes. Mountain brush occurs on the south facing slopes on the east side of the canyon, and Douglas-fir on north facing slopes. Shrubs associated with bottomlands occupy the canyon bottoms. Dogwood, aspen-narrow leaf cottonwood-snowberry and mountain ash are also present. Engelmann spruce is also intermingled in the canyon bottom. "Everet Spring Parsley" is found in riparian areas along the canyon bottom.

## **CLASSIFICATION**

### **Basis for the Classification of River: Wild**

This watercourse is generally inaccessible except by trail. Red Pine Trail crosses the upper portion of the gorge, and several undeveloped roads access points at several sites along the plateau above the gorge, the boundary to the area. The terminus of the segment is just north of the road leading to the USGS Gauging Station on lands administered by the Bureau of Land Management.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located almost entirely on the Ashley National Forest, Vernal Ranger District, except for a short segment on BLM-administered land.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0-9.09	Ashley National Forest	2908.8
9.09-10.16	Bureau of Land Management	342.4
	<b>Total</b>	<b>3251.2</b>

Readers Note: The study area boundaries displayed in Appendix A, Suitability Evaluation Reports, do not represent actual Wild and Scenic River boundaries, but the area of interest for eligible river segments. It should be noted that of the eligible rivers studied, 14 of the 86 river segments appear to include portions of private land, at the end of segments near the National Forest boundary. These typically short river stretches (1/4 to 4 miles long) were included in the eligibility study as part of the river segment length because they brought the river segment to a logical terminus at a confluence with a larger stream, also contained the ORVs of the National Forest portion of the segment, or National Forest land was located within ¼ mile of these segments. These lengths are also included in the tables found in this suitability study. The magnitude of this effect is small, representing approximately 22 miles total over 14 segments,

or less than 3 percent of the total mileage in the study. The final decision will apply only to river segments located on National Forest System lands. The dashed lines on the individual river maps represent the approximate 1/4 mile river corridor boundary of the river segment under study. If Congress chooses to add any of the recommended river segments to the National Wild and Scenic River System, the Forest Service would be required to develop Comprehensive River Management Plan (CRMP). Section 3(b) of the Wild and Scenic Rivers Act requires the establishment of detailed boundaries (an average of not more than 320 acres per river mile). At that time, the boundary would be adjusted to exclude private, State, or other Federal agency land located at the end or beginning of the river segment. Congress could include private lands (in holdings) within the boundaries of the designated river area, however, management restrictions would apply only to public lands.

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (<http://www.co.untah.ut.us/gis/Zoning%202005.pdf>). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountain canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):

- A. Forest product industries and buildings related thereto;
- B. Oil and gas wells, mining and processing of minerals;
- C. Gravel and rock quarries;
- D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
- E. Hot-road-mix plants on temporary basis for not more than six months;
- F. Ski resorts, recreation camps and uses incidental to such uses;
- G. Gas stations, cafes, resorts;
- H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) <http://www.co.untah.ut.us/countycode/index.html>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no diversions, impoundments or channel modifications along this segment. No future water developments are known or expected at this time. A unique flow alteration occurs in this drainage, as water from Oaks Park Reservoir is diverted via the Oaks Park Canal into Ashley Gorge, which augments stream flows in the gorge. There are reservoirs on Ashley Twin and Goose Lakes in the upper watershed above the segment.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah Basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River

(near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered) by potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – Red Pine Trail crosses the upper portion of the gorge, and undeveloped roads access points at several sites along the plateau above the gorge. The terminus of the segment is just north of the road leading to the USGS Gauging Station on lands administered by the Bureau of Land Management.

Rights of way: There are three recorded rights of way in the corridor, one and two water facilities.

**Grazing Activities** – Ashley Gorge creates the boundary between the Taylor Mountain and Black Canyon allotments, but due to the rugged and inaccessible nature of the canyon, no grazing use occurs along the river corridor.

**Recreation Activities** – Hiking is the dominant recreation use. Some hunting and fishing occurs in both the upper and lower portions of the segment. Limited kayaking and canoeing occurs in the lower half of the gorge for about a 30 to 40 day period during early spring runoff (classes 2 through 5 experience level). Outstanding fishing occurs along the upper portion of the gorge. Rock hounding within the gorge is a very popular recreation use. Historic features in the gorge also attract visitors.

**Other Resource Activities** – Some harvest activities have taken place in the upper reaches of this segment, but outside the 0.5 mile corridor. Due to the sheer canyon walls and inaccessible nature, the majority of Ashley Gorge is not suitable for timber harvest.

**Special Designations** – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription encompasses the majority of the segment.
- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription applies to some scattered areas in the segment.
- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the lower portion of the segment.

The Ashley Gorge Research Natural Area encompasses approximately 2.3 miles of the eligible segment. This RNA was established principally as a representative blue spruce forest type, with lesser amounts of Ponderosa pine, Douglas fir, mountain shrub, and riparian vegetation. Management direction in Research Natural Areas is to allow natural processes to operate with minimal management intervention. Various representative ecosystems are to be maintained for future research use.

This entire segment falls within the Ashley Spring (Vernal City) Drinking Water Source Protection Zone.

A portion of this same area is set aside and managed as the Vernal municipal watershed.

The Ashley Gorge segment is located completely within inventoried roadless areas, except for the final mile below the Forest Boundary.

**Socio-Economic Environment** – Some of the downstream communities in Uintah County include Maeser, Naples and Vernal. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). The Ashley Valley is set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>).

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Uintah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Uintah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agencies are the USFS and the BLM.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

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power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

### **(3) Support or opposition to designation.**

#### Comments received during the eligibility study:

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkable values are available.

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Letters from the Uintah Water Conservancy District and a group of Ashley valley residents expressed opposition to designation. These letters cited the need for irrigation, municipal and industrial water, risk to private property if the river is not properly managed, and seasonally dry channels in some portions of the segment as reasons it should not be considered suitable for inclusion in the Wild and Scenic River System.

#### Comments responding to the draft EIS

Many letters commented that all segments within a single river system should be considered together, because they are ecologically connected and a joint recommendation would enhance their contribution to the river system's integrity. Common examples included: South Fork Ashley, Ashley Gorge and Black Canyon.

The Ashley Creek and Whiterocks river systems provide virtually all the water used by residents in the eastern Uintah Basin. Local officials and residents expressed great concern that operation of existing facilities would be restricted, compromising water rights and affecting local economies. Rapid population growth and potential oil shale development activities were also cited as reasons to retain the option of building additional water storage and delivery systems in these systems.

Proponents of designation for Whiterocks and Ashley Creeks cited the opportunity to protect large, intact watersheds and for their scenic, recreational and wildlife values. Ashley Creek in particular spans many life zones, from alpine to cottonwood – more than any other segment or combination of segments in the study.

A common theme was that all rivers within Wilderness or roadless areas should be designated, in part because they pose few conflicts with other uses or activities and would be relatively simple to manage. In addition to the Wilderness rivers listed above, the following rivers were recommended based on being all or mostly within roadless: South Fork Ashley Creek, Ashley Gorge, all of the Whiterocks segments, and Lower Dry Fork (these are examples; different letters cited different examples). Of the three organized

campaigns none supported a positive finding of suitability for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.** Designation may help or impede the “goals” of other tribal, federal, state or local agencies. For example, designation of a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river which includes a limited recreation activity or setting to the National System may help meet statewide recreation goals. Designation might, however, limit irrigation and/or flood control measures in a manner consistent with regional socioeconomic goals.

Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, Drinking Water Source Protection Zones, the Vernal Municipal Watershed, and the Ashley Gorge Research Natural Area.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. Uintah County’s General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County’s Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.
- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield.

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec. 2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no

manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

**(5) Contribution to river system or basin integrity.**

This majority of this segment is on National Forest System Lands, with the last mile on lands administered by the BLM. Designation would provide a comprehensive and holistic protection strategy between the Ashley National Forest, BLM, other cooperating agencies, and public groups. The larger basin integrity and the opportunity to design a holistic protection strategy could be improved by considering Ashley Gorge, Black Canyon, and South Fork Ashley Creek together.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

**Upper Rock Creek  
Ashley National Forest**

Eligible Wild & Scenic Segments

- Wild
- Scenic
- Recreational
- Other Streams
- River Segment Under Study
- National Forest
- Wilderness
- Federal
- State
- Tribal
- Private

County Boundaries

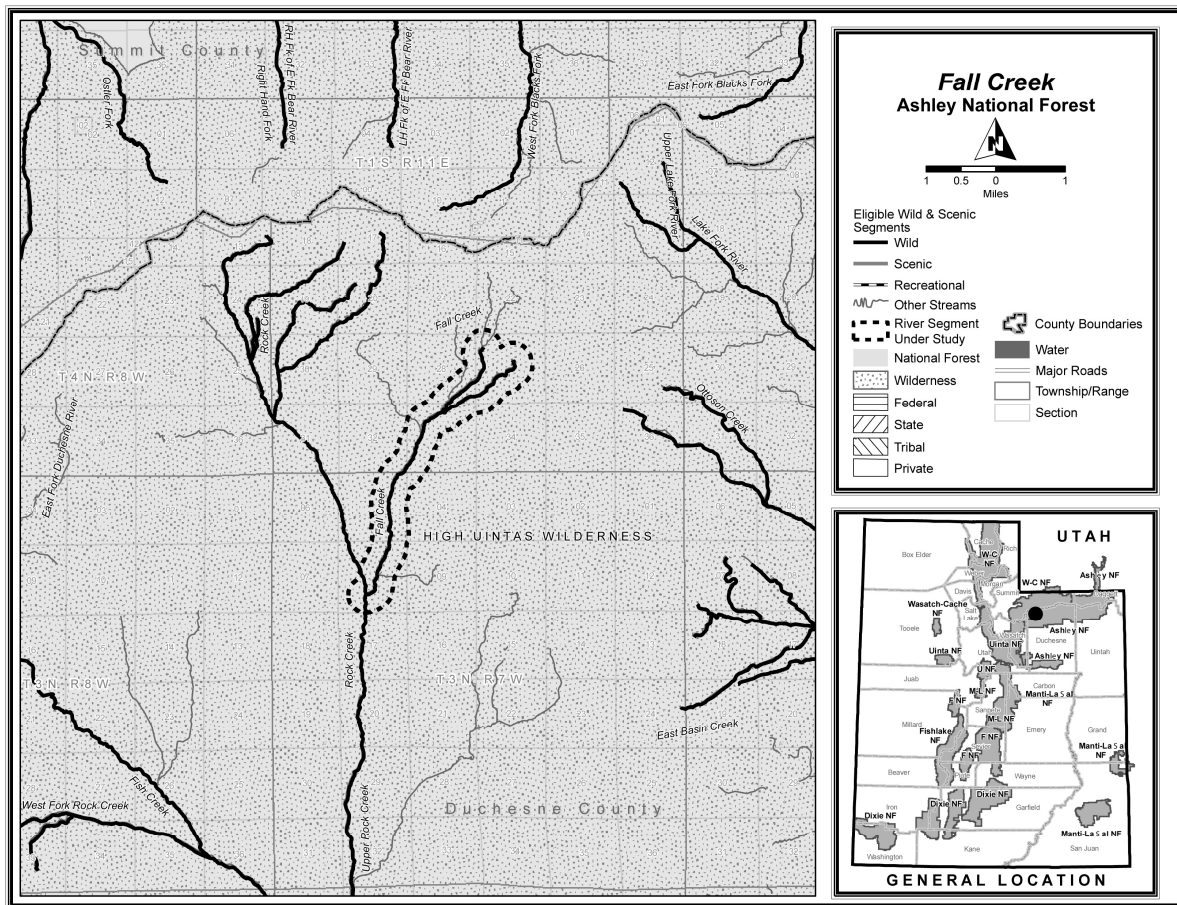
- Water
- Major Roads
- Township/Range
- Section

Scale: 0 0.5 1 Miles

UTAH

GENERAL LOCATION





### STUDY AREA SUMMARY

**Name of River(s):** Upper Rock Creek and Fall Creek

**River Mileage:**

*Upper Rock Creek*

Studied: 21.26 miles headwaters to the southern boundary of the High Uintas Wilderness.

Eligible: Same

*Fall Creek*

Studied: 5.90 miles from the headwaters to the confluence with Upper Rock Creek.

Eligible: Same

**Location:**

	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Upper Rock Creek	NE ¼ SE ¼ Sect. 13 T 4 N, R 8 W, USM	NW ¼ SW ¼ Sect. 5, T 2 N, R 7 W, USM	Wild	21.26
Fall Creek	SW ¼ NE ¼ Sect. 27, T 4 N, R 7 W, USM	NE ¼ SW ¼ Sect. 8 T 3 N, R 7 W, USM	Wild	5.90

Upper Rock Creek consists of lakes within the headwaters, the watercourse corridor, and three adjacent principal perennial tributaries, 21.26 miles in all.

Fall Creek consists of lakes within the headwaters, the watercourse corridor, and an adjacent principal perennial tributary (5.90 miles).

**Physical Description of River:** Upper Rock Creek and Fall Creek have headwaters above tree line in a cirque basin of scoured bedrock. Downstream they enter more defined glacial valley bottoms with numerous meadows and ground morainal landforms. Many of the meadows have low gradient meandering streams that pick up gradient through the ground moraine tree covered areas. After flowing through low relief glacial valley upland, the stream enters a steep canyon with lateral moraines to either side. The glacial bottom in the main portion of Rock Creek and Fall Creek is in a glacial canyon bottom with wet meadows, springs and seeps with thin hummocky ground moraines and outwash with some inner gorges cut deep in the underlying quartzite bedrock. Boulder moraines and outwash have created a hummocky topography that covers the glacial valley floor. These hummocks have damned some of the tributary streams and formed wet meadows, seeps and spring areas.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** There are no diversions in these segments and they are free of impoundments.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – The watercourses serve as the corridor for primitive trails to the panoramic and strikingly beautiful lakes, meadows, cirque basins, and surrounding peaks and ridgelines in the headwaters. Wildflowers provide variation in color in the higher basins and meadows during mid- and late summer months. Seasonal variation in color occurs in the lower portions of the watercourses where small stands of Aspen and streamside riparian vegetation exist.

Vegetation in the canyon bottoms has great diversity, is highly variable, and contributes to the outstanding scenery. The glacial bottoms in the main portion of the watercourses are in glacial canyon bottoms with wet meadows, springs and seeps with some inner gorges cut deep in the underlying quartzite bedrock. This unit type contains most of the larger glacial lakes in the Uinta Mountains, and the wet meadows resulted from the filling of former lakes. Backpackers and horse packers are attracted to this outstandingly beautiful scenery, with the season of use from late June to mid-October.

## **CLASSIFICATION**

**Basis for the Classification of River:** Both rivers are classified as Wild.

All segments of these watercourses are in a designated Wilderness area and have no modifications of the waterway or shoreline. The segments are generally inaccessible except by trail and essentially primitive with little or no sign of human activity. Developments are limited to trails, trail signs and foot bridges.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – Both of these segments are located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and are entirely within the High Uintas Wilderness Area.

### Upper Rock Creek

River Mile	Ownership	Acres
0 – 21.26	Ashley National Forest	6803.2

### Fall Creek

River Mile	Ownership	Acres
0 – 5.9	Ashley National Forest	1888.0

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no existing water developments (dams, diversions or channel modifications) on these segments. As these segments are entirely within the High Uintas Wilderness Area, no future water developments are expected. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

There are no known Bureau of Reclamation withdrawn lands on these segments. Bureau of Reclamation lands withdrawn for the purposes of water development are located downstream, associated with Upper Stillwater Reservoir. Upper Stillwater Reservoir provides water to downstream communities in the Uintah Basin, as well as the Wasatch Front via a pipeline built by the Central Utah Project.

None of the proposed water development projects in the Utah State Water Plan for the Uintah Basin are on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation.

**Transportation, Facilities, and Other Developments** – Transportation routes and facilities are limited to trails, trail signs, and foot bridges. Trails run along both the Upper Rock Creek and Fall Creek segments.

**Grazing Activities** – The Rock Creek cattle allotment is permitted for 170 cow/calf pairs from June 1 – October 15. This allotment includes the area along Upper Rock Creek from Stillwater Reservoir to the confluence with Fall Creek. Above the confluence with Fall Creek, there is no permitted livestock use. In the Fall Creek drainage, there is a free use permit with the Ute Indian Tribe for Sheep grazing, but this allotment has been vacant for approximately 30 years. Allotments are managed under allotment management plans and annual operating procedures.

**Recreation Activities** – Most use is concentrated in the headwater areas and consists of backpacking, recreation stock use and dispersed camping. Some deer and elk hunting occur in the lower portion of the segment. The season of use is about four to five months, from late June to mid-October.

**Other Resource Activities** – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

**Special Designations** – These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, “designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character

of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people.”

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

**Socio-Economic Environment** – Upper Rock Creek and Fall Creek are the principal tributaries to Upper Stillwater Reservoir, which provides water to the downstream communities in the Uintah Basin, as well as the Wasatch Front via a pipeline built by the Central Utah Project.

The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

Some of the downstream communities in Duchesne County include Mountain Home, Talmage, Altonah, Altamont, Boneta, Mt. Emmons, Upalco, Bluebell, Cedar View Neola, and Roosevelt. The largest community in the county is Roosevelt, with an estimated population of 4,333 in 2007. These local communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas,

manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas of the county, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Uintah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Uintah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

Comments received during the eligibility study

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were

that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and modification of river segments.

#### Comments received during scoping for the suitability study

The Central Utah Water Conservancy District specifically addressed Rock Creek in its comment letter. They noted that a small section of the stream just above Stillwater Reservoir might be impacted by dam maintenance activities. However, the stream reach in question is below the eligible segments so this shouldn't create a conflict with suitability.

Some letters expressed support for finding all river segments within the High Uintas Wilderness to be suitable, which would include Upper Rock Creek or Fall Creek. None singled out Rock Creek or discussed values unique to this drainage.

The State of Utah, Central Utah Project Completion Act office, and various water users and water conservancy districts had general concerns about designation of stream segments adjacent to high mountain lakes currently used for water storage. These concerns involve potential impacts to water storage rights and the ability to operate reservoirs as needed to deliver water to downstream users. They also discussed the potential for additional management restrictions to impede high lakes stabilization work. Although no reservoirs have been targeted for stabilization in the Rock Creek drainage at this time, new proposals may developed as part of ongoing work in Uinta Basin.

#### Comments on the DEIS

Some individuals, local government officials and water user representatives commented that Wilderness protections are adequate and additional designation under the WSRA would be burdensome and unnecessary. Others specifically stated that WSRA and Wilderness protections are not duplicative, since they address different factors. Moreover, a number of respondents supported designating all segments within existing Wilderness on the basis of their pristine character and the complementary nature of WSR and Wilderness management practices.

Local governments and water conservancy districts have the following specific concerns about rivers in the High Uintas Wilderness:

- Designation may affect operation and maintenance of existing facilities, especially if it means that reservoir releases must be altered to ensure year-round flow in downstream segments or prevent releases that artificially augment flow. This would restrict the exercise of existing water rights and harm water users.
- Some high elevation reservoirs are or may be considered for stabilization in the future. WSR designation could restrict such work. (See, however, CUPCA letter #95 stating that stabilization work appears compatible and could still be completed with WSR designation).
- Since existing reservoirs alter the natural flows, no downstream segments should be considered free-flowing. Shale Creek is frequently cited as an example of this.
- Future projects downstream of eligible segments may be negatively affected, either by management restrictions or by loss of federal funding opportunities, if a segment is designated upstream. This concern is based on language in Sec. 7a of the WSRA. There is some concern that the option of expanding Moon Lake (on the Lake Fork River) would be lost if Lake Fork were designated.

Of the three organized campaigns none supported a positive finding of suitability for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream.

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

**(5) Contribution to river system or basin integrity.**

These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin or watershed integrity could also be improved by considering Upper Rock and Fall Creeks, together with West Fork Rock Creek and Fish Creek.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

**West Fork Rock Creek including Fish Creek  
Ashley National Forest**

1 0.5 0 1  
Miles

Eligible Wild & Scenic Segments

- Wild
- Scenic
- Recreational
- Other Streams
- River Segment Under Study
- National Forest
- Wilderness
- Federal
- State
- Tribal
- Private

County Boundaries

- Water
- Major Roads
- Township/Range
- Section

**UTAH**

**GENERAL LOCATION**

	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
West Fork Rock Creek	SW ¼ SE ¼ Sect. 29, T 3 N, R 8 W, USM	NW ¼ SW ¼ Sect. 5, T 2 N, R 7 W, USM	Wild	8.51
Fish Creek	SW ¼ NW ¼ Sect. 16, T 3 N, R 8 W, USM	NW ¼ SW ¼ Sect. 36, T 3 N, R 8 W, USM	Wild	4.91



**Physical Description of River:** Both West Fork and Fish Creek flow through hummocky ground moraine located along glacial valley bottoms containing lakes, ponds wet depressions and forested knolls. Both these tributaries to the main Rock Creek lack the high elevation alpine basins above tree line. Gradients are typically 1 to 15 percent in the upper basins and drop into a moderately steep to steep glacial valley with subdued step topography due to glacial scour and veneer of till and boulder glacial lateral morainal material. Gradients are typically 30 percent to 65 percent in these steepened valleys. The headwaters of West Fork of Rock Creek & Fish Creek consist of numerous lakes, basins and meadows in the Granddaddy Lakes area of the High Uintas Wilderness. Two principal tributaries are included with the West Fork Rock Creek watercourse. Pinto Lake and Granddaddy Lake are located in the northwest and southwest corners of the headwaters, respectively.

## **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** There are no diversions in these segments and they are free of impoundments.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – The watercourses serve as the corridor for primitive trails to the panoramic and strikingly beautiful lakes, meadows, cirque basins, and surrounding peaks and ridgelines in the headwaters. Wildflowers provide variation in color in the higher basins and meadows during mid- and late summer months. Seasonal variation in color occurs in the lower portions of the watercourses where small stands of Aspen and streamside riparian vegetation exist. Vegetation in the canyon bottoms has great diversity, is highly variable, and contributes to the outstanding scenery. The glacial bottoms in the main portion of the watercourses are in glacial canyon bottoms with wet meadows, springs and seeps with some inner gorges cut deep in the underlying quartzite bedrock. This unit type contains most of the larger glacial lakes in the Uinta Mountains, and the wet meadows resulted from the filling of former lakes. Backpackers and horse packers are attracted to this outstandingly beautiful scenery, with the season of use from late June to mid-October.

**Historic** – The historic Rhodes Cabin and Mine exist within the corridor of West Fork Rock Creek. Although the cabin walls have been vandalized, the mine dump and mine adits remain in good condition.

## **CLASSIFICATION**

**Basis for the Classification of River:** Both rivers are classified as Wild.

All segments of this watercourse are in a designated Wilderness area and have no modifications of the waterway or shoreline. The segments are generally inaccessible except by trail and essentially primitive with little or no sign of human activity. Developments are limited to trails, trail signs and foot bridges.

## **SUITABILITY REPORT**

**Landownership and Land Uses** – These segments are located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and are entirely within the High Uintas Wilderness Area.

### **West Fork Rock Creek**

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 8.51	Ashley National Forest	2723.2

### **Fish Creek**

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 4.91	Ashley National Forest	1571.2

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no existing water developments (dams, diversions or channel modifications) on these segments. As these segments are entirely within the High Uintas Wilderness Area, no future water developments are expected. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

There are no known Bureau of Reclamation withdrawn lands on these segments. Bureau of Reclamation lands withdrawn for the purposes of water development are located downstream, associated with Upper Stillwater Reservoir. Upper Stillwater Reservoir provides water to downstream communities in the Uintah Basin, as well as the Wasatch Front via a pipeline built by the Central Utah Project.

None of the proposed water development projects in the Utah State Water Plan for the Uintah Basin are on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation.

**Transportation, Facilities, and Other Developments** – Transportation routes and facilities are limited to trails, trail signs, and foot bridges. Trails are along both the West Fork Rock Creek and Fish Creek segments.

**Grazing Activities** – There are no permitted grazing allotments in Fish Creek or West Fork Rock Creek. A minor amount of use occurs at the confluence of West Fork Rock Creek and Upper Rock Creek, but this is from the Rock Creek grazing allotment.

**Recreation Activities** – Recreation visits and use is moderate to heavy in headwaters. Much of this use originates from trailheads located east of the headwaters on the Wasatch-Cache National Forest. Most wilderness users access this area from either the Grandview Trailhead in Hades Canyon or the Granddaddy Lakes Trailhead at Mirror Lake. Fifteen large lakes are located in the headwater areas.

Most use is concentrated in the headwater areas and consists of backpacking, recreation stock use and dispersed camping. Some deer and elk hunting occur in the lower portion of the segment. The season of use is about four to five months, from late June to mid-October.

**Other Resource Activities** – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

**Special Designations** – These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, “designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character

of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people.”

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

**Socio-Economic Environment** – West Fork Rock Creek and Fish Creek drain into the Upper Stillwater Reservoir, which provides water to downstream communities in the Uintah Basin, as well as the Wasatch Front via a pipeline built by the Central Utah Project.

The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

Some of the downstream communities in Duchesne County include Mountain Home, Talmage, Altonah, Altamont, Boneta, Mt. Emmons, Upalco, Bluebell, Cedar View Neola, and Roosevelt. The largest community in the county is Roosevelt, with an estimated population of 4,333 in 2007. These local communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas,

manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas of the county, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Uintah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Uintah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

Comments received during the eligibility study

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were

that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and modification of river segments.

#### Comments received during scoping for the suitability study

The Central Utah Water Conservancy District specifically addressed Rock Creek in its comment letter. They noted that a small section of the stream just above Stillwater Reservoir might be impacted by dam maintenance activities. However, the stream reach in question is below the eligible segments so this shouldn't create a conflict with suitability.

Some letters expressed support for finding all river segments within the High Uintas Wilderness to be suitable, which would include the West Fork of Rock Creek. None singled out Rock Creek or discussed values unique to this drainage.

The State of Utah, Central Utah Project Completion Act office, and various water users and water conservancy districts had general concerns about designation of stream segments adjacent to high mountain lakes currently used for water storage. These concerns involve potential impacts to water storage rights and the ability to operate reservoirs as needed to deliver water to downstream users. They also discussed the potential for additional management restrictions to impede high lakes stabilization work. Although no reservoirs have been targeted for stabilization in the Rock Creek drainage at this time, new proposals may developed as part of ongoing work in the Uinta Basin.

#### Comments received concerning the draft EIS

Some individuals, local government officials and water user representatives commented that Wilderness protections are adequate and additional designation under the WSRA would be burdensome and unnecessary. Others specifically stated that WSRA and Wilderness protections are not duplicative, since they address different factors. Moreover, a number of respondents supported designating all segments within existing Wilderness on the basis of their pristine character and the complementary nature of WSR and Wilderness management practices.

Local governments and water conservancy districts have the following specific concerns about rivers in the High Uintas Wilderness:

- Designation may affect operation and maintenance of existing facilities, especially if it means that reservoir releases must be altered to ensure year-round flow in downstream segments or prevent releases that artificially augment flow. This would restrict the exercise of existing water rights and harm water users.
- Some high elevation reservoirs are or may be considered for stabilization in the future. WSR designation could restrict such work. (See, however, CUPCA letter #95 stating that stabilization work appears compatible and could still be completed with WSR designation).
- Since existing reservoirs alter the natural flows, no downstream segments should be considered free-flowing. Shale Creek is frequently cited as an example of this.
- Future projects downstream of eligible segments may be negatively affected, either by management restrictions or by loss of federal funding opportunities, if a segment is designated upstream. This concern is based on language in Sec. 7a of the WSRA. The greatest concern is on the **Uinta River**, where a reservoir is being discussed on FS land below the Wilderness boundary. There is also some concern that the option of expanding Moon Lake (on the Lake Fork River) would be lost if Lake Fork were designated.

Of the three organized campaigns none supported a positive finding of suitability for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

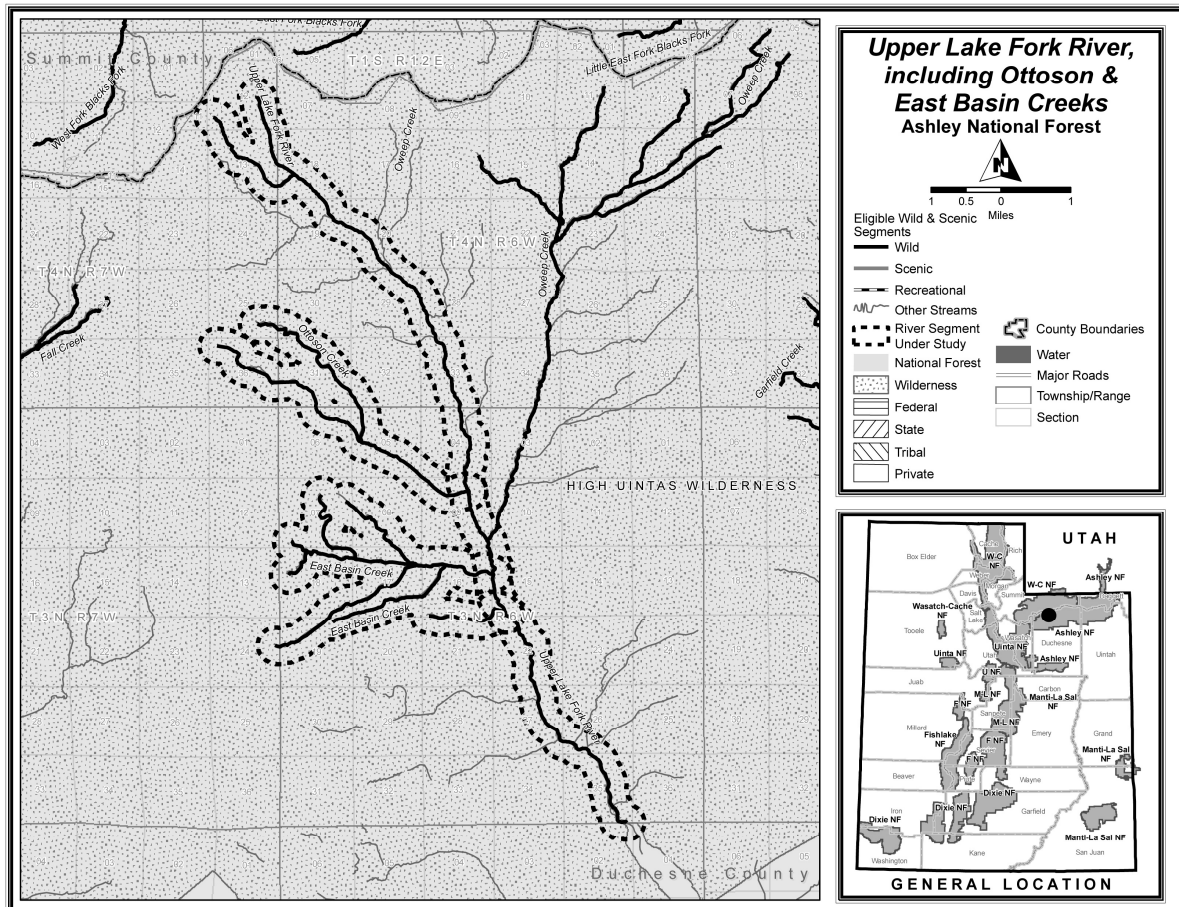
**(5) Contribution to river system or basin integrity.**

These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin or watershed integrity could also be improved by considering West Fork Rock Creek and Fish Creek together with Upper Rock and Fall Creeks.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

# Upper Lake Fork River (including Ottoson and East Basin Creeks) and Oweep Creek Suitability Evaluation Report (SER)







### **Physical Description of River:**

Upper Lake Fork River, Ottoson Creek, East Basin Creek and Oweep Creek have the headwaters above tree line in a scoured cirque basin with ground moraine and drift. The segments enter a broad glacial valley basins consisting of hummocky ground moraine along the glacial valley bottom below tree-line. The valley bottom below tree line contains lakes, ponds, wet depressions and forested knolls. The segment then enters a mid portion of the drainage consisting of a V-shaped valley of moderately steep to steep canyon sides slopes covered with a thin veneer of boulder glacial moraine. The segment then descends the main drainage which is characterized by a relatively broad glacial canyon bottom covered by a thin veneer of hummocky ground moraine and outwash. A few wet meadows, seeps and springs are located in the main drainages, and there are thin hummocky ground moraines and outwash with gorges cut deep into the underlying quartzite bedrock. In many places the segment flows over bedrock with gradients of 3 percent to 15 percent.

### **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** There are no diversions in these segments and they are free of impoundments. The segment is free flowing.

### **Summary of Outstandingly Remarkable Values (ORV):**

**Scenic** – Cirque basins, broad glacial valleys, lakes, numerous meadows and V-shaped canyons are the principal scenic attractions in the corridors of these watercourses. The “Scenic” value is well known, due to the popularity of the Moon Lake Reservoir area, and heavily used trails leading to the High Uintas Wilderness. The watercourses exhibit striking scenic views, especially in the upper headwaters where numerous alpine lakes, glaciated cirques and basins, and meadows are found. Seasonal variation in color is limited to the lower portion of the watercourses where large stands of Aspen and streamside riparian vegetation exist. Wildflowers provide some variation in color in the higher basins and meadows during mid- and late summer months. Similar to other wilderness areas, the streams serve as the corridors for primitive trails to the outstandingly scenic lakes, basins and meadows in the headwaters. Diversity of view and scenic attractions rate high and cultural modifications are highly appropriate.

### **CLASSIFICATION**

**Basis for the Classification of River:** Wild

All segments of these watercourses are in a designated wilderness area and have no modifications of the waterway or shoreline. The segments are generally inaccessible except by trail and essentially primitive with little or no sign of human activity. The well known Highline Trail crosses the headwaters of the watercourses. Trail signs and foot bridges are located at various places on the trail.

### **SUITABILITY REPORT**

**Landownership and Land Uses** – Both segments are located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and are entirely within the High Uintas Wilderness Area.

#### **Oweep Creek**

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 20.32	Ashley National Forest	6502.4

#### **Upper Lake Fork River, including Ottoson and East Basin Creeks**

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 34.88	Ashley National Forest	11161.6

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to these river segments ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no existing water developments (dams, diversions or channel modifications) on these segments. As these segments are entirely within the High Uintas Wilderness Area, no future water developments are expected.

Clements Lake reservoir is not on any of these eligible segments, but drains into Upper Lake Fork about 3 miles upstream of Moon Lake. As part of the High Lakes stabilization project, Clements Lake Reservoir is scheduled to be stabilized in 2007, which would restore a stable lake level and natural flows. The water storage capacity of Clements Lake will be transferred downstream to Big Sand Wash reservoir.

There are no known Bureau of Reclamation withdrawn lands on these segments. Bureau of Reclamation lands withdrawn for the purposes of water developments are located downstream, associated with Moon Lake Reservoir, which provides water to downstream communities and hydroelectric power generation.

None of the proposed water development projects in the Utah State Water Plan for the Uintah Basin are on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation.

**Transportation, Facilities, and Other Developments** – Transportation routes and facilities are limited to trails, trail signs, and foot bridges. A trail runs along the entire length of Upper Lake Fork, and trails go through portions Ottoson, East Basin, and Oweep Creeks. The well known Highline Trail crosses the headwaters of Upper Lake Fork and Oweep Creeks.

**Grazing Activities** – Upper Lake Fork River from Moon Lake to the confluence with Oweep Creek is within the Lake Fork Cattle allotment, which permits 183 cow/calf pairs from June 21-September 13, but this allotment has not been used for approximately 15 years. There are no grazing allotments in East Basin Creek. Ottoson Creek and the headwaters of Upper Lake Fork River are within the Ottoson sheep allotment, which permits 1300 ewe/lamb pairs from July 15 – September 10. Oweep Creek is within the Oweep sheep allotment which permits 1400 ewe/lamb pairs from July 15 – September 10. Allotments are managed under allotment management plans and annual operating procedures.

**Recreation Activities** – Recreation use is light to moderate in the headwaters. Some deer and elk hunting occurs in the lower portions of the drainage. The season of use is about four to five months, from late June to mid-October.

**Other Resource Activities** – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

**Special Designations** – These segments are entirely within the High Uintas Wilderness Area, which was

created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, “designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people.”

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

**Socio-Economic Environment** – All of these segments drain into Moon Lake Reservoir, which provides water and hydro-electric power to communities in the Uintah Basin. The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

Some of the downstream communities in Duchesne County include Mountain Home, Talmage, Altonah, Altamont, Boneta, Mt. Emmons, Upalco, Bluebell, Cedar View Neola, and Roosevelt. The largest community in the county is Roosevelt, with an estimated population of 4,333 in 2007. These local communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas of the county, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

Comments received during the eligibility study

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were

that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and modification of river segments.

#### Comments received during scoping for the suitability study

There were no comments specifically recommending Upper Lake Fork and Oweep Creeks for designation. However, several supported designation for all eligible segments within the High Uintas Wilderness, which would include these two segments.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on management of existing reservoirs that drain into Upper Lake Fork. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. Some letters also described plans to stabilize some reservoirs that drain into Upper Lake Fork in the future, which might be more difficult if additional management restrictions were in place. They recommended that no designation be made until stabilization is completed and there is no possibility of water rights being affected. Furthermore, some letters stated that there is no need for additional protection through Wild and Scenic River designation since Upper Lake Fork and Oweep Creek are already protected by wilderness management policies.

#### Comments on the DEIS

Some individuals, local government officials and water user representatives commented that Wilderness protections are adequate and additional designation under the WSRA would be burdensome and unnecessary. Others specifically stated that WSRA and Wilderness protections are not duplicative, since they address different factors. Moreover, a number of respondents supported designating all segments within existing Wilderness on the basis of their pristine character and the complementary nature of WSR and Wilderness management practices.

Local governments and water conservancy districts have the following specific concerns about rivers in the High Uintas Wilderness:

- Designation may affect operation and maintenance of existing facilities, especially if it means that reservoir releases must be altered to ensure year-round flow in downstream segments or prevent releases that artificially augment flow. This would restrict the exercise of existing water rights and harm water users.
- Some high elevation reservoirs are or may be considered for stabilization in the future. WSR designation could restrict such work. (See, however, CUPCA letter #95 stating that stabilization work appears compatible and could still be completed with WSR designation).
- Since existing reservoirs alter the natural flows, no downstream segments should be considered free-flowing. Shale Creek is frequently cited as an example of this.
- Future projects downstream of eligible segments may be negatively affected, either by management restrictions or by loss of federal funding opportunities, if a segment is designated upstream. This concern is based on language in Sec. 7a of the WSRA. There is some concern that the option of expanding Moon Lake (on the Lake Fork River) would be lost if Lake Fork were designated.

Of the three organized campaigns none supported a positive finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation may conflict with some elements of downstream zoning and land use, but would be

completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

#### **(5) Contribution to river system or basin integrity.**

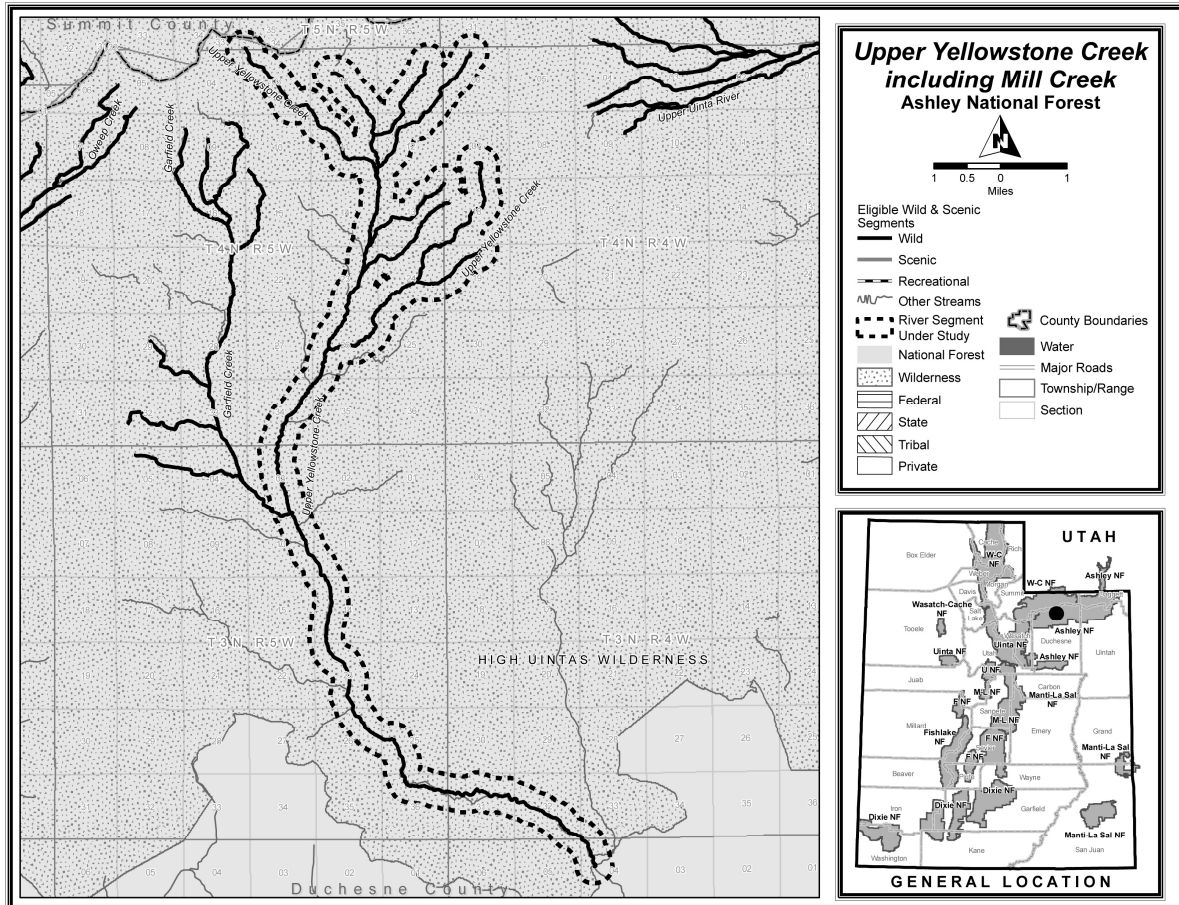
This factor reflects the benefits of a “systems” approach, i.e., expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed. Numerous benefits are likely to result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.

These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Grouping Upper Lake Fork and Oweep Creek together improves basin integrity.

#### **(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

# **Upper Yellowstone Creek, including Milk Creek Suitability Evaluation Report (SER)**



## **STUDY AREA SUMMARY**

**Name of River:** Upper Yellowstone Creek, including Milk Creek

**River Mileage:**

Studied: 33.46 miles from the headwaters to the southern boundary of the High Uintas Wilderness

Eligible: Same

**Location:**

	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TSR)	End(TSR)	Classification	Miles
Upper Yellowstone Creek	SE ¼ NW ¼ Sect. 2, T 4 N, R 5 W, USM	SW ¼ NW ¼ Sect. 4 T 2 N, R 4 W, USM	Wild	33.46

This segment extends from the headwaters along the crest of the Uinta Mountains at Smith's Fork Pass and Anderson Pass to the southern boundary of the High Uintas Wilderness – 33.46 miles.

These watercourses consist of several lakes, including Kings Lake south of Kings Peak and Milk Lake

within the headwaters, and Upper Yellowstone Creek and adjacent intermittent and perennial tributaries.

#### **Physical Description of River Segment:**

The main drainages are characterized by a relatively broad glacial canyon bottom covered by a thin veneer of hummocky ground moraine and outwash, and a few wet meadows, seeps and springs. In many places the segment flows over bedrock with gradients of 3 percent to 15 percent. Watercourses are located on the floor of the higher cirques, and have been affected by glacial scouring more than any other areas in the Uinta Mountains. There is not much sediment in the segment, except where shale outcrops exist. The streams flow through three landform features in this area; wet meadows in the swales, dry meadows on the hummocks, and conifer covered areas on the larger hummocks. The corridors of the segment contain most of the larger glacial lakes and wet meadows in the Uinta Mountains, and consist predominantly of riparian features. The water table is close to the surface throughout most of the segment. Low gradient streams dominate this portion of the stream segment. These canyon areas are located below moderately steep to very steep glacial valley walls of lateral moraines. A few wet meadows, seeps and springs are located in the canyon areas.

#### **ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

**Determination of Free-flowing Condition:** The forest interdisciplinary team determined there are sufficient flows in the watercourses throughout the year to maintain the outstandingly remarkable values. All segments of this watercourse are in a designated Wilderness area and have no modifications of the waterway or shoreline.

#### **Summary of Outstandingly Remarkable Values:**

**Scenic** – There are outstanding scenic views of waterfalls and forested slopes along the stream corridors, along with alpine lakes, glaciated cirques and basin, and meadows in the upper headwaters. The Yellowstone's headwaters collect from the alpine cirques along the crest of the Uinta Mountains. The river then descends through one of the most picturesque basins in the Uintas. Small waterfalls and cascades abound – often following one after another like a staircase. Beaver dams form deep pools throughout the canyon. Wildflowers and lush riparian areas stretch along the length of the waterways. The highest point in Utah (Kings Peak) is located north of the headwaters of Yellowstone Creek. Seasonal variation in color is limited to the lower portion of the segment where large stands of Aspen and streamside riparian vegetation exist. Wildflowers provide variation in color in the higher basins and meadows during mid- and late summer months. The segment rated high in Diversity of View, Special Features, low in Seasonal Variations, with highly appropriate cultural modifications. It rated high overall with a regional scale of importance.

**Geologic/Hydrologic** – The main drainages are characterized by a relatively broad glacial canyon bottom covered by a thin veneer of hummocky ground moraine and outwash, and a few wet meadows, seeps and springs. Throughout are thin hummocky ground moraines and outwash, with inner gorges cut deep into the underlying quartzite bedrock. In many places the segment flows over bedrock with gradients of 3 percent to 15 percent. The segment rated high in Feature Abundance and Diversity of Features and moderate on educational/Scientific. Overall it rated high with a regional scale of significance.

**Wildlife** – The watercourses have a “high” rating for winter and summer range for mountain goat; and critical summer range for big horn sheep. Valuable summer range exists for deer, elk, and moose, as well as picas, ground squirrels and marmots in the upper end of the watercourses. There is a large population of beaver and a high potential for amphibians, ptarmigan, and moose in the mid-section of each watercourse. Bear frequent the lower portions of the drainage. Lincoln sparrows and song sparrows are



also in the lower portions. There is potential goshawk habitat in the lower portions.

### **CLASSIFICATION**

#### **Basis for the Classification of River Segment: Wild**

All segments of this watercourse are in a designated Wilderness area and have no modifications of the waterway or shoreline (with the exception of Milk Lake). The segments are generally inaccessible except by trail and essentially primitive with little or no sign of human activity. Developments are limited to trails, trail signs and foot bridges.

### **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 33.46	Ashley National Forest	10707.2

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no dams, diversions or channel modifications, except for a small dam and outlet structures on Milk Lake. As with various other dams in the High Uintas Wilderness, these structures provide additional water storage and controlled releases. As these segments are entirely within the High Uintas Wilderness Area, no new water developments are expected. There are no known Bureau of Reclamation withdrawn lands on these segments. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

In scoping comments, the Utah Div. of Water Resources identified three potential water developments below the studied segments:

Upper Yellowstone B, T02N R04W Section 10, 134 ft height, 6,440 ac-ft capacity. This on-stream dam site is located 1.5 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and

would inundate the Pineview Campground.

Upper Yellowstone C, T02N R04W Section 15, 275 ft height, 61,350 ac-ft capacity. This on-stream dam site is located 0.75 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate both the Swift Creek and Riverview Campgrounds.

Upper Yellowstone E, T02N R04W Section 15, 330 ft height, 101,040 ac-ft capacity. This on-stream dam site is located 0.25 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,700 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate Swift Creek, Riverview and Reservoir Campgrounds.

**Transportation, Facilities, and Other Developments** – The well-known Highline Trail crosses the headwaters of Upper Yellowstone Creek. Wilderness trails cross and parallel Yellowstone Creek. Trail signs and foot bridges are located at various places on these trails.

Due to longer and more difficult road access to trailheads and longer stretches of trail, Yellowstone Creek is not as heavily used as other watercourses along the south slope of the Uinta Mountains. The main access points are Swift Creek Trailhead in Yellowstone Canyon at the terminus of Forest Development Road 124, and Center Park Trailhead on Forest Development Road 227 in Hells Canyon.

**Grazing Activities** – Upper Yellowstone Creek, from the wilderness boundary to the Swasey Hole Creek Confluence, is within the Yellowstone cattle allotment, which permits 234 cow/calf pairs from June 16 – September 25. The headwaters of Upper Yellowstone Creek, upstream of the confluence with Milk Creek are part of the Tungsten sheep allotment, which permits 1500 ewes from July 12 – September 6. The Tungsten sheep allotment is rotated on two year intervals with the Painter Basin sheep allotment (to the east in the headwaters of the Uinta River). Allotments are managed under allotment management plans and annual operating procedures.

**Recreation Activities** – Recreation related activities in the High Uintas Wilderness are the principal uses of this the watercourse corridors. Most visitors to Kings Peak access it from Henry's Fork on the North Slope, but horse packers frequently use Yellowstone Creek Trail (FDT 057) to travel to the peak.

The streams serve as the corridors for primitive trails to the lakes, basins and meadows in the headwaters of the segment. Most use is concentrated in these headwater areas and consists of backpacking, recreation stock use and dispersed camping.

Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months.

**Other Resource Activities** – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

**Special Designations** – These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, “designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people.”

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

**Socio-Economic Environment** – The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

Some of the downstream communities in Duchesne County include Mountain Home, Talmage, Altonah, Altamont, Boneta, Mt. Emmons, Upalco, Bluebell, Cedar View Neola, and Roosevelt. The largest community in the county is Roosevelt, with an estimated population of 4,333 in 2007. These local communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas of the county, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over

the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Uintah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Uintah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

#### **Comments received during the eligibility study**

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and

modification of river segments.

#### Comments received during scoping for the suitability study

Several letters specifically mentioned the Upper Yellowstone Creek as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Garfield Creek in combination with Upper Yellowstone. Values cited included diverse and dramatic scenery, presence of native cutthroat trout populations, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Upper Yellowstone.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on management of existing reservoirs that drain into Yellowstone Creek. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. Some letters also described plans to stabilize five reservoirs that drain into this segment in the future, which might be more difficult if additional management restrictions were in place. They recommended that no designation be made until stabilization is completed and there is no possibility of water rights being affected. Furthermore, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Yellowstone Creek is already protected by wilderness management policies.

The State of Utah identified three potential reservoir sites on the Yellowstone River. All appear to be at least three miles below the Wilderness boundary and would not affect the Upper Yellowstone segment.

#### Comments concerning the draft EIS

All of the three organized campaigns supported this segment for designation.

Some individuals, local government officials and water user representatives commented that Wilderness protections are adequate and additional designation under the WSRA would be burdensome and unnecessary. Others specifically stated that WSRA and Wilderness protections are not duplicative, since they address different factors. Moreover, a number of respondents supported designating all segments within existing Wilderness on the basis of their pristine character and the complementary nature of WSR and Wilderness management practices.

Local governments and water conservancy districts have the following specific concerns about rivers in the High Uintas Wilderness:

- Designation may affect operation and maintenance of existing facilities, especially if it means that reservoir releases must be altered to ensure year-round flow in downstream segments or prevent releases that artificially augment flow. This would restrict the exercise of existing water rights and harm water users.
- Some high elevation reservoirs are or may be considered for stabilization in the future. WSR designation could restrict such work. (See, however, CUPCA letter #95 stating that stabilization work appears compatible and could still be completed with WSR designation).
- Since existing reservoirs alter the natural flows, no downstream segments should be considered free-flowing. Shale Creek is frequently cited as an example of this.
- Future projects downstream of eligible segments may be negatively affected, either by management restrictions or by loss of federal funding opportunities, if a segment is designated upstream. This concern is based on language in Sec. 7a of the WSRA. The greatest concern is on the **Uinta River**, where a reservoir is being discussed on FS land below the Wilderness boundary. There is also some concern that the option of expanding Moon Lake (on the Lake Fork River) would be lost if Lake Fork were designated.

Of the three organized campaigns all supported a positive suitability finding for these segments.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting**

## **regional objectives.**

Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

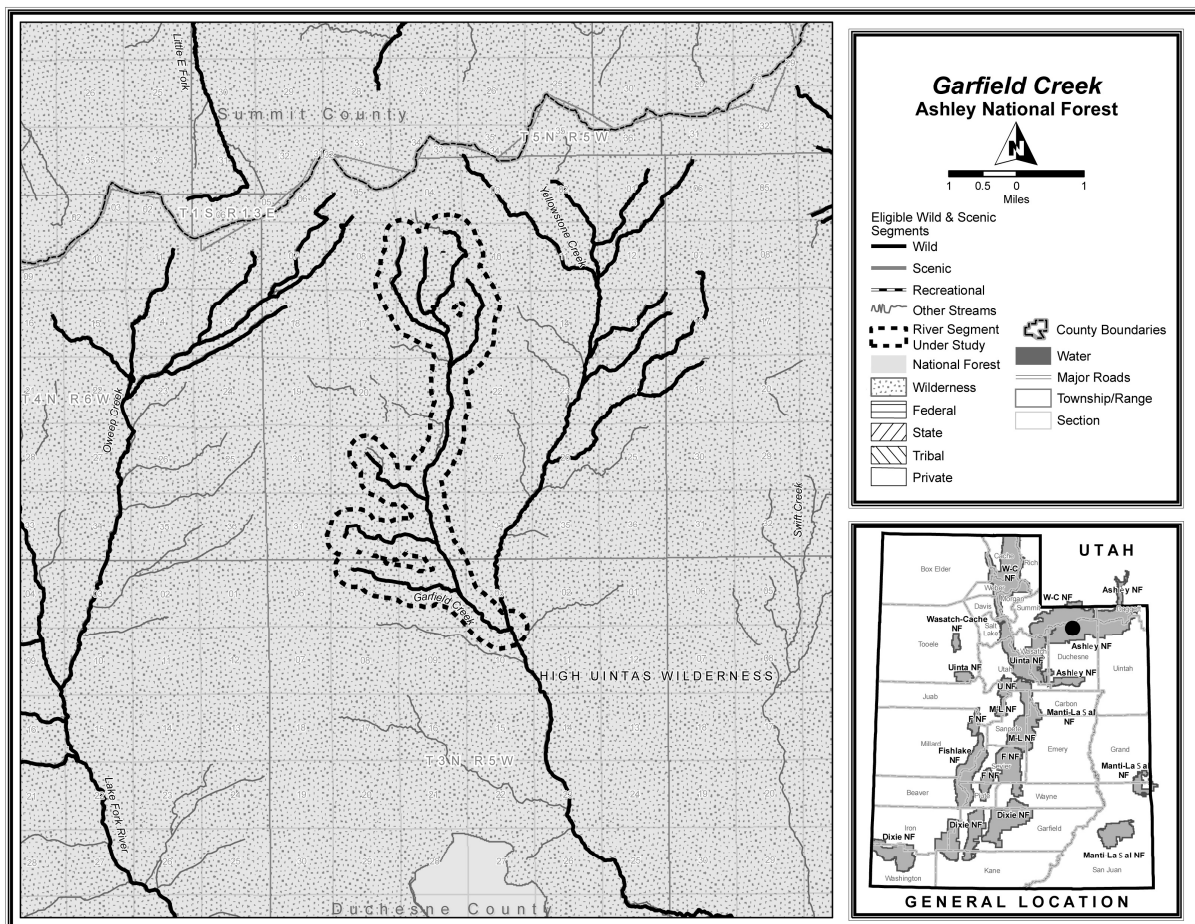
### **(5) Contribution to river system or basin integrity.**

These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Garfield Creek and Upper Yellowstone segments together.

### **(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

# **Garfield Creek Suitability Evaluation Report (SER)**



## **STUDY AREA SUMMARY**

**Name of River:** Garfield Creek

**River Mileage:**

Studied: 17.26 miles, this segment starts below the lakes and reservoirs within the Five Points Lake area downstream to the confluence with Upper Yellowstone Creek.

Eligible: Same

**Location:**

Garfield Creek	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NW ¼ NE ¼ Sect. 9 T 4 N, R 5 W, USM	NW ¼ NE ¼ Sect. 10 T 3 N, R 5 W, USM	Wild	17.26

This segment extends 17.26 miles from the from the Five Points Lake area to the confluence with Upper Yellowstone Creek. The segment consists of the tributary from Five Points Lake to Garfield Creek, the two tributaries located to the south of this tributary, and Garfield Creek.



**Physical Description of River Segment:**

The headwaters of Garfield Basin are located above tree line in a scoured cirque basin with ground moraine and drift. The watercourses enter a broad glacial valley basin consisting of hummocky ground moraine, and descend along the glacial valley bottom below tree-line containing lakes, ponds, wet depressions and forested knolls. The segments then enter a mid portion of the drainages, consisting of V-shaped valleys of moderately steep to very steep canyon sides slopes covered with a thin veneer of boulder glacial moraine. The segment continues descending to the main drainages. In the head of the drainages, streams flows over glacially scoured and drift deposited cirque basins in the Uinta Mountain group. Watercourses are located on the floor of the higher cirques, and have been affected by glacial scouring more than any other areas in the Uinta Mountains. There are areas of glacially polished bedrock. In most areas, the till is very thin, but it can be quite thick where glaciers have scoured out pockets. There is not much sediment in the segments, except where shale outcrops exist. There are numerous small lakes in the upper areas, with bedrock lips from the glaciation. A few wet meadows, seeps and springs are located in the canyon areas. Throughout most of the length, streams have cut a gorge in the quartzite bedrock beneath the drift. However, there are locations where the streams are still flowing through the till, and others where they are flowing over bedrock.

**ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July, 2005

**Determination of Free-flowing Condition:** Diversion and Channel Modifications—The segment is free from channel modifications and structures. The natural stream flow of the river is unimpaired. The segment is free-flowing. There are sufficient flows in the watercourses throughout the year to maintain the outstandingly remarkable values.

**Summary of Outstandingly Remarkable Values:**

**Cultural Value** – There are prehistoric sites (archaic, Fremont and late prehistoric) in the upper lakes region of Garfield Creek, rating high in significance, number of cultures, site integrity, education/interpretation, and listing/eligibility, with a low rating in current uses. Overall rating is high with a Regional scale of importance.

**CLASSIFICATION****Basis for the Classification of River Segment:** Wild

This segment is essentially primitive with little or no evidence of human activity and there are no roads in the area. The well-known Highline Trail crosses the headwaters of Garfield Creek. Wilderness trails cross and parallel the Creek. Trail signs and foot bridges are located at various places on these trails.

**SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

River Mile	Ownership	Acres
0 – 17.26	Ashley National Forest	5523.2

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or



energy development activities, mining claims, or minerals leases located adjacent to these river segments ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

**Water Resources Development** – Bluebell, Drift, Five Point, and Superior lakes have dams and outlet structures in the Garfield Basin area, the segment begins below these structures. Currently, these structures provide additional water storage and controlled releases to downstream water users. The dams are managed by Moon Lake Water Association under US Forest Service permit. However, all four of these lakes are part of the High Lakes stabilization project and will be stabilized in coming years. Stabilization of these dams will restore a stable lake level and natural flows. The water storage capacity of these lakes will be transferred downstream to Big Sand Wash reservoir. The segment between Superior Lake and Five Points Lake is a canal, and was removed from the eligible segment. As this segment is entirely within the High Uintas Wilderness Area, no new water developments are expected. There are known Bureau of Reclamation withdrawn lands on this segment for the Bonneville Unit of the Central Utah Project.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

None of these proposed water development projects in the Utah State Water Plan for the Uintah Basin are on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – The well-known Highline Trail crosses the headwaters of Garfield Creek. Wilderness trails cross and parallel Yellowstone Creek. Trail signs and foot bridges are located at various places on these trails.

Due to longer and more difficult road access to trailheads and longer stretches of trail, Garfield Creek is not as heavily used as other watercourses along the south slope of the Uinta Mountains. The main access points are Swift Creek Trailhead in Yellowstone Canyon at the terminus of Forest Development Road 124, and Center Park Trailhead on Forest Development Road 227 in Hells Canyon.

**Grazing Activities** – The upper half of Garfield basin, above Doll and Superior lakes, is within the Tungsten sheep allotment, which permits 1500 ewes from July 12 – September 6. The Tungsten sheep allotment is rotated on two year intervals with the Painter Basin sheep allotment (to the east in the headwaters of the Uinta River). Allotments are managed under allotment management plans and annual operating procedures.

**Recreation Activities** – Recreation related activities in the High Uintas Wilderness are the principal uses of these watercourse corridors. The streams serve as the corridors for primitive trails to the lakes, basins and meadows in the headwaters of the segment. Most use is concentrated in these headwater areas and consists of backpacking, recreation stock use and dispersed camping. Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months.

**Other Resource Activities** – As these segments are within designated wilderness, no additional resource

activities such as timber harvest are planned in the area.

**Special Designations** – These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, “designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people.”

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

**Socio-Economic Environment** – Some of the downstream communities in Duchesne County include Mountain Home, Talmage, Altonah, Altamont, Boneta, Mt. Emmons, Upalco, Bluebell, Cedar View Neola, and Roosevelt. The largest community in the county is Roosevelt, with an estimated population of 4,333 in 2007. These local communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

The economy relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas,

manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas of the county, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

Comments received during the eligibility study

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights

and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and modification of river segments.

#### Comments received during scoping for the suitability study

Several letters specifically mentioned Garfield Creek as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Garfield Creek in combination with Upper Yellowstone. Values cited included diverse and dramatic scenery, presence of native cutthroat trout populations, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Garfield Creek.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on operation of existing reservoirs that drain into Garfield Creek. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. Some letters also described plans to stabilize these reservoirs in the future, which might be more difficult if additional management restrictions were in place. They recommended that no designation be made until stabilization is completed and there is no possibility of water rights being affected. Furthermore, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Garfield Creek is already protected by wilderness management policies.

The State of Utah identified three potential reservoir sites on the Yellowstone River. All appear to be at least three miles below the Wilderness boundary and would not affect the Upper Yellowstone or Garfield Creek segments.

#### Comments on DEIS

Some individuals, local government officials and water user representatives commented that Wilderness protections are adequate and additional designation under the WSRA would be burdensome and unnecessary. Others specifically stated that WSRA and Wilderness protections are not duplicative, since they address different factors. Moreover, a number of respondents supported designating all segments within existing Wilderness on the basis of their pristine character and the complementary nature of WSR and Wilderness management practices.

Local governments and water conservancy districts have the following specific concerns about rivers in the High Uintas Wilderness:

- Designation may affect operation and maintenance of existing facilities, especially if it means that reservoir releases must be altered to ensure year-round flow in downstream segments or prevent releases that artificially augment flow. This would restrict the exercise of existing water rights and harm water users.
- Some high elevation reservoirs are or may be considered for stabilization in the future. WSR designation could restrict such work. (See, however, CUPCA letter #95 stating that stabilization work appears compatible and could still be completed with WSR designation).
- Since existing reservoirs alter the natural flows, no downstream segments should be considered free-flowing. Shale Creek is frequently cited as an example of this.
- Future projects downstream of eligible segments may be negatively affected, either by management restrictions or by loss of federal funding opportunities, if a segment is designated upstream. This concern is based on language in Sec. 7a of the WSRA. The greatest concern is on the Uinta River, where a reservoir is being discussed on FS land below the Wilderness boundary.

There is also some concern that the option of expanding Moon Lake (on the Lake Fork River) would be lost if Lake Fork were designated.

Of the three organized campaigns two supported a positive suitability finding for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

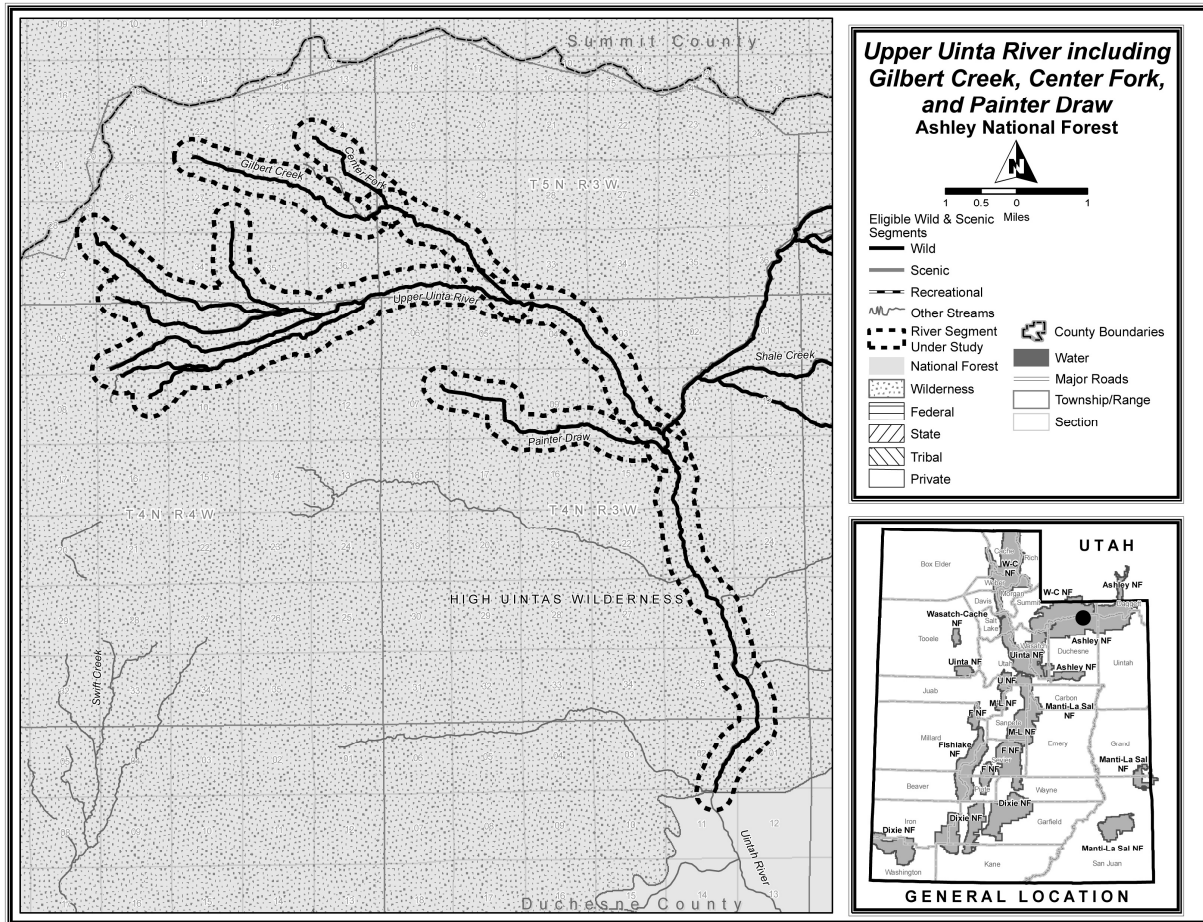
**(5) Contribution to river system or basin integrity.**

These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Garfield Creek and Upper Yellowstone segments together.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

# **Upper Uinta River, including Gilbert Creek, Center Fork and Painter Draw Suitability Evaluation Report (SER)**



## **STUDY AREA SUMMARY**

**Name of River:** Upper Uinta River, including Gilbert Creek, Center Fork and Painter Draw

**River Mileage:**

Studied: 39.87 miles

Eligible: Same

**Location:**

Upper Uinta River	Ashley National Forest, Roosevelt/Duchesne Ranger Districts, Duchesne County, Utah		Congressional District UT-2	
	Start (TWR)	End (TWR)	Classification	Miles
Segment 1	SW ¼ SW ¼ Sect. 28 T 5 N, R 4 W, USM	NW ¼ NE ¼ Sect. 11 T 3 N, R 3 W, USM	Wild	39.87

This segment extends 39.87 miles from the headwaters along the crest of the High Uinta Mountains to the Uinta River crossing at the southern boundary of the High Uintas Wilderness. The segment consists of the numerous lakes along the divide, Gilbert Creek, Center Fork, the lakes in Painter Draw, the Upper Uinta River, and adjacent intermittent and perennial tributaries.

**Physical Description of River Segment:**

Upper Uinta River and its tributaries, including Gilbert Creek, Center Fork and Painter Draw have their headwaters above tree line in a scoured cirque basin with ground moraine and drift. The watercourses enter a broad glacial valley basin along a glacial valley bottom consisting of hummocky ground moraine. As the watercourses descend below tree line, they pass by or through lakes, ponds, wet depressions and forested knolls. The segment then enters a mid portion of the drainage consisting of a V-shaped valley of moderately steep to very steep canyon side slopes that are covered with a thin veneer of boulder glacial moraine. They enter the main drainage, which is characterized by a relatively broad glacial canyon bottom covered by a thick veneer of hummocky ground moraine and outwash, and scattered wet meadows, seeps and springs. In many places this segment flows over bedrock with gradients of 3 percent to 15 percent. The unit contains most of the larger glacial lakes and wet meadows in the Uinta Mountains, and consists predominantly of riparian features. The water table is close to the surface throughout most of the unit. Low gradient streams dominate this portion of the stream segments.

**ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005.

**Determination of Free-flowing Condition:** There are sufficient flows in the watercourses throughout the year to maintain the outstandingly remarkable values of “Geologic/Hydrologic” and “Wildlife” values.

**Summary of Outstandingly Remarkable Values:**

**Geologic/Hydrologic** – The watercourses are located on the floor of the higher cirques, and have been affected by glacial scouring. There are areas of glacially polished bedrock. In most areas, the till is very thin, but it can be quite thick where glaciers have scoured out pockets. There is not much sediment in this segment, except where there are shale outcrops. There are numerous small lakes in the upper area, with bedrock lips from the glaciations. The broad glaciated basins below tree line occur in hummocky ground moraine along the glacial valley bottoms that exhibit a well-developed drainage pattern. The streams flow through three landform features in this area: wet meadows in the swales, dry meadows on the hummocks, and conifer-covered areas on the larger hummocks. The unit contains most of the larger glacial lakes and wet meadows in the Uinta Mountains, and consists predominantly of riparian features.

The V-shaped canyons at mid elevation have many benches with bedrock outcrops of the Uinta Mountain quartzite. Frost action is active along the stream courses where the low cohesion and steep stream gradients have combined to form the V-shaped valley. The coarse material eroded from these slopes is deposited in the wider glacial bottom below. The wider canyon bottom below the above-described steep V-shaped canyon is characterized by thin veneer of hummocky ground moraine and outwash, which is located below moderately steep to very steep glacial valley walls of lateral moraines. Wet meadows, seeps and springs are located in the wide canyon bottom. Throughout much of the length, the streams have cut a gorge in the quartzite bedrock beneath the drift. However, there are locations where the streams are still flowing through the till, and others where they are flowing over bedrock.

**Wildlife** – The watercourses have a “high” rating for winter range for mountain goat; and critical summer range for mountain goat and sheep, deer, elk, moose, beaver, raptors, grouse, and pine martin. Picas, ground squirrels, and marmots are also found in this high elevation area. Bear are found in the lower portion. Lincoln sparrow and song sparrows are also in the lower portion, and there is potential goshawk habitat in the lower portion.

**CLASSIFICATION**

**Basis for the Classification of River Segment:** Wild

All segments of this watercourse are in a designated Wilderness area and have no modifications of the waterway or shoreline. The segments are generally inaccessible except by trail and essentially primitive with little or no sign of human activity. Developments are limited to trails, trail signs and foot bridges.

### **SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

<b>River Mile</b>	<b>Ownership</b>	<b>Acres</b>
0 – 39.87	Ashley National Forest	12758.4

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to these river segments ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

**Water Resources Development** – There are no existing water developments (dams, diversions or channel modifications) on these segments. As these segments are entirely within the High Uintas Wilderness Area, no future water developments are expected. Lake Atwood reservoir is not on any of these eligible segments, but Atwood Creek drains into the Upper Uinta River about 3 miles upstream from the wilderness boundary. Upper and Lower Chain Lake reservoirs drain down Krebs Creek to the mainstem Uintah River, but the confluence is at the lower boundary of the eligible segment.

There are Bureau of Reclamation withdrawn lands along the Uinta River corridor that extend approximately 4.5 upstream of the wilderness boundary.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek. The Central Utah Water Conservancy District submitted a Water Development Prospectus identifying the Uinta River Basin as having good potential for future water developments. A map of “potential reservoirs that could be considered” was submitted with their comment letter, showing various proposals below the Forest Service boundary and one that appears to be just above the USFS boundary. All sites are several miles or more outside the Wilderness, and do not overlap with the eligible segment. However, a withdrawal on the Uinta River encompasses the potential Forest Service reservoir site and extends into the Wilderness, overlapping the bottom 4.6 miles (approx.) of the eligible segment.

None of these proposed water development projects in the Utah State Water Plan for the Uintah Basin are on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley



National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Grazing Activities** – The headwaters of the Uinta River, in the Painter Basin, are part of the Painter Basin sheep allotment, which permits 1200 ewe/lamb pairs from July 12 – September 6. The Painter Basin sheep allotment is rotated on two year intervals with the Tungsten sheep allotment (to the west in the headwaters of Yellowstone Creek). Allotments are managed under allotment management plans and annual operating procedures.

**Transportation, Facilities, and Other Developments** – The Uinta Canyon Trailhead near U-Bar Ranch provides access to the trails leading to the Upper Uinta River. Forest development trails (FDTs), including the High Line Trail cross the upper headwaters of the segment. FDT 044 and 043 are within the corridors of Upper Uinta River.

**Recreation Activities** – Uses in the wilderness portion of this watershed are similar or the same as those occurring in the North Fork of the Duchesne River, Rock Creek, Upper Lake Fork River, and Yellowstone Creek. Wilderness recreation related activities annually attract hundreds of visitors. Areas of concentration exist around the perimeter of the lakes in the headwaters, while the stream corridors receive light to moderate use as part of trail access to lake areas. Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months. Deer and elk hunting occur in the lower portions of the segment. The season of use for the segment is about four to five months, from late June to mid-October.

**Other Resource Activities** – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

**Special Designations** – These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, “designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people.”

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)

- Vegetation: Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
- Recreation: Manage recreation to sustain the wilderness resource.
- Minerals: Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

**Socio-Economic Environment** – Downstream communities in the Uintah Basin include both Duchesne and Uintah counties. Roosevelt and Vernal are the largest communities in the Uintah Basin with populations of 4,333 and 7, 577 respectively (2007 estimates). The smaller, surrounding communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Unitah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn’t account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

## **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

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Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

### Comments received during the eligibility study

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and modification of river segments.

### Comments received during scoping for the suitability study

Several letters specifically mentioned the Upper Uinta River as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Shale Creek in combination with the Upper Uinta. Values cited included diverse and dramatic glacial scenery, wildlife habitat, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Upper Uinta.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on management of existing reservoirs that drain into the Uinta River. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. The Duchesne County Water Conservancy District and Dry Gulch Irrigation Company also stated that Ditch Bill easements have been issued in relation to Fox and Crescent Reservoirs, which they believe should have affected the eligibility finding. Although this comment was made in reference to the Upper Uinta River, both of those reservoirs are actually on Shale Creek which is a separate eligible segment.

The Central Utah Water Conservancy District submitted a Water Development Prospectus identifying the Uinta River Basin as having good potential for future water developments. A map of “potential reservoirs that could be considered” was submitted with their comment letter, showing various proposals below the Forest Service boundary and one that appears to be just above the USFS boundary. All sites are several miles or more outside the Wilderness, and do not overlap with the eligible segment. However, a withdrawal on the Uinta River encompasses the potential Forest Service reservoir site and extends into the Wilderness, overlapping the bottom 4.6 miles (approx.) of the eligible segment.

The State of Utah, Central Utah Project Completion Act office, and various water users and water conservancy districts were concerned about the potential for additional management restrictions to impede high lakes stabilization work in general. Although no reservoirs have been targeted for stabilization in the Uinta River drainage at this time, new proposals may developed as part of ongoing work in the Uinta Basin.

Finally, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Upper Uinta River is already protected by wilderness management policies.

#### Comments on the DEIS

Some individuals, local government officials and water user representatives commented that Wilderness protections are adequate and additional designation under the WSRA would be burdensome and unnecessary. Others specifically stated that WSRA and Wilderness protections are not duplicative, since they address different factors. Moreover, a number of respondents supported designating all segments within existing Wilderness on the basis of their pristine character and the complementary nature of WSR and Wilderness management practices.

Local governments and water conservancy districts have the following specific concerns about rivers in the High Uintas Wilderness:

- Designation may affect operation and maintenance of existing facilities, especially if it means that reservoir releases must be altered to ensure year-round flow in downstream segments or prevent releases that artificially augment flow. This would restrict the exercise of existing water rights and harm water users.
- Some high elevation reservoirs are or may be considered for stabilization in the future. WSR designation could restrict such work. (See, however, CUPCA letter #95 stating that stabilization work appears compatible and could still be completed with WSR designation).
- Since existing reservoirs alter the natural flows, no downstream segments should be considered free-flowing. Shale Creek is frequently cited as an example of this.
- Future projects downstream of eligible segments may be negatively affected, either by management restrictions or by loss of federal funding opportunities, if a segment is designated upstream. This concern is based on language in Sec. 7a of the WSRA. The greatest concern is on the Uinta River, where a reservoir is being discussed on FS land below the Wilderness boundary. There is some concern that the option of expanding Moon Lake (on the Lake Fork River) would be lost if Lake Fork were designated.

Of the three organized campaigns all supported a positive finding of suitability for this segment.

#### **(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

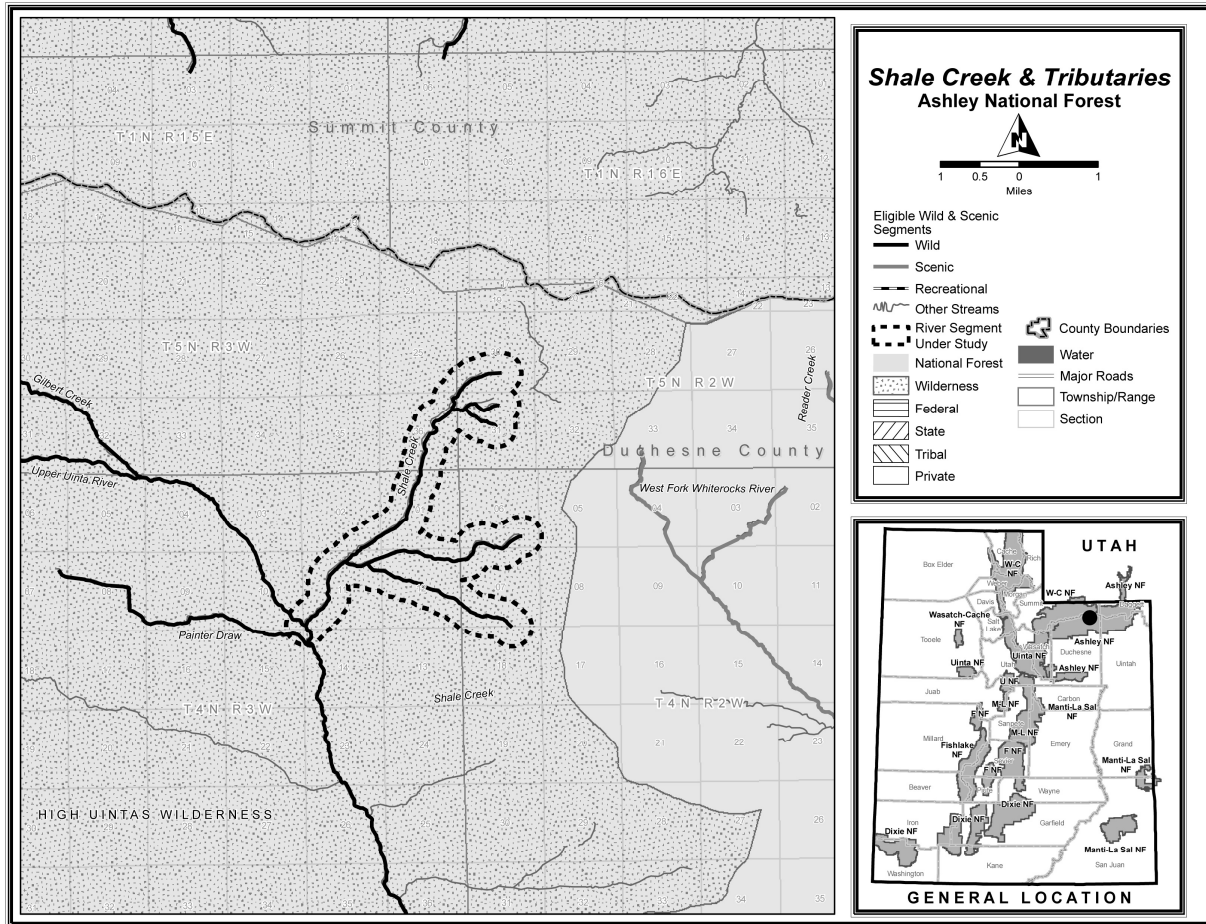
**(5) Contribution to river system or basin integrity.**

These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Upper Uinta River and Shale Creek segments together.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

# **Shale Creek and Tributaries Suitability Evaluation Report (SER)**



## **STUDY AREA SUMMARY**

**Name of River:** Shale Creek and tributaries

**River Mileage:**

Studied: 10 miles, from below Fox and Crescent Reservoirs to the confluence with the Upper Uinta River

Eligible: Same

**Location:**

Shale Creek and Tributaries	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NW ¼ NE ¼ Sect. 31, T 5 N, R 2 W, USM	SW ¼ SW ¼ Sect. 11, T 4 N, R 3 W, USM	Wild	10

Segment extends 10 miles from the outlets of Fox and Crescent Reservoirs to the confluence with Upper Uinta River. Fox and Crescent Reservoirs, surrounding smaller lakes, glaciated cirques, basins and meadows within the headwaters, and Shale Creek and adjacent intermittent and perennial streams are included in this segment.

**Physical Description of River Segment:**

The watercourses enter a broad glacial valley basin along a glacial valley bottom consisting of hummocky ground moraine. As the watercourses descend below tree line, they pass by or through lakes, ponds, wet depressions and forested knolls. The segment then enters a mid portion of the drainage consisting of a V-shaped valley of moderately steep to very steep canyon side slopes that are covered with a thin veneer of boulder glacial moraine. The streams flow over glacially scoured and drift deposited cirque basins in the Uinta Mountain group in the head of the drainage.

**ELIGIBILITY**

**Name and Date of Eligibility Document:** Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005.

**Determination of Free-flowing Condition:** There are sufficient flows in the watercourses throughout the year to maintain the historic and cultural outstandingly remarkable values.

**Summary of Outstandingly Remarkable Values:**

**Historic** – Historic themes include water supply systems, forest management, dispersed recreation and hunting. The historic Fox and Crescent Reservoirs and Dams are located in the upper headwaters of this watercourse.

**Cultural** – There are large numbers of prehistoric sites (archaic, Fremont and late prehistoric) in the upper area of Shale Creek and several professional archeological publications exist for this area.

**CLASSIFICATION****Basis for the Classification of River Segment:** Wild

This segment is essentially primitive with little or no evidence of human activity and there are no roads in the area. River is not accessible by road. The High Line Trail (Forest Development Trail 025) crosses the upper headwaters of the segment. These water developments are located upstream of the segment.

**SUITABILITY REPORT**

**Landownership and Land Uses** – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

River Mile	Ownership	Acres
0 – 10	Ashley National Forest	3900.8

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

**Mineral and Energy Resource Activities** – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to these river segments ([www.geocommunicator.gov](http://www.geocommunicator.gov)). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

**Water Resources Development** – Dams and outlet structures exist on Fox and Crescent Lakes which are upstream of the segment. As with various other dams in the High Uintas Wilderness, these structures provide additional water storage and controlled releases. The dams are managed by Dry Gulch Irrigation

Co. under US Forest Service permit. As these segments are entirely within the High Uintas Wilderness Area, no new water developments are expected. Fox and Crescent Lakes are not a part of the High Lakes Stabilization Project, and will continue to store and release water. There are no known Bureau of Reclamation withdrawn lands on these segments.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

None of these proposed water development projects in the Utah State Water Plan for the Uintah Basin are on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

**Transportation, Facilities, and Other Developments** – The Uinta Canyon Trailhead near U-Bar Ranch provides access to the trails leading to Shale Creek. The High Line Trail (Forest Development Trail 025) crosses the upper headwaters of the segment. Many visitors use the West Forks Whiterocks Trailhead and Trail (FDR 047) in the adjacent Whiterocks River Watershed to access Fox Lake and Shale Creek.

**Grazing Activities** – There are no permitted grazing allotments on these segments.

**Recreation Activities** – Uses in the wilderness portion of this watershed are similar or the same as those occurring in the North Fork of the Duchesne River, Rock Creek, Upper Lake Fork River, and Yellowstone Creek. Wilderness recreation related activities annually attract hundreds of visitors. Areas of concentration exist around the perimeter of the lakes in the headwaters, while the stream corridors receive light to moderate use as part of trail access to lake areas. Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months. Deer and elk hunting occur in the lower portions of the segment. The season of use for the segment is about four to five months, from late June to mid-October.

**Other Resource Activities** – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

**Special Designations** – These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, “designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people.”

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
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Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

The Uinta Shale Creek RNA, established in 1996 encompasses the southern tributaries to Shale Creek. Direction for RNAs is to allow natural processes to occur, with little or no management intervention.

**Socio-Economic Environment** – Downstream communities in the Uintah Basin include both Duchesne and Uintah counties. Roosevelt and Vernal are the largest communities in the Uintah Basin with populations of 4,333 and 7, 577 respectively (2007 estimates). The smaller, surrounding communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (<http://duchesne.net/demo/>)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism ([http://www.water.utah.gov/planning/SWP/Uintah/swp\\_ub02.pdf](http://www.water.utah.gov/planning/SWP/Uintah/swp_ub02.pdf)).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

**Current Administration and Funding Needs if Designated** – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average \$200,000 per plan for 86 segments, which would cost approximately \$17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be \$200,000; a moderate complexity river would be \$50,000; and a low complexity river at \$25,000. Using an average of complexity costs, it would cost the Forest Service around \$7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

#### **SUITABILITY FACTOR ASSESSMENT:**

**(1) The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

**(2) The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).

<http://www.duchesnegov.net/planning/05240zoningordfinal.pdf>

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

**(3) Support or opposition to designation.**

#### **Comments received during the eligibility study**

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and modification of river segments.

#### **Comments received during scoping for the suitability study**

Several letters specifically mentioned Shale Creek as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Shale Creek in combination with the Upper Uinta. Values cited included diverse and dramatic glacial scenery, wildlife habitat, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Shale Creek.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act

office raised concerns about the effect of designation on management of existing reservoirs that drain into Shale Creek. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. The Duchesne County Water Conservancy District and Dry Gulch Irrigation Company also stated that Ditch Bill easements have been issued in relation to Fox and Crescent Lakes, which they believe should have affected the eligibility finding. Although this comment was made in reference to the Upper Uinta River, both of those reservoirs are actually on Shale Creek. Some letters also commented on stream sections between Fox and Crescent Lakes, and above Fox Lake, describing them as intermittent and/or carrying very little water - therefore not appropriate for further study.

The Central Utah Water Conservancy District submitted a Water Development Prospectus identifying the Uinta River Basin as having good potential for future water developments. A map of “potential reservoirs that could be considered” was submitted with their comment letter, showing various proposals below the Forest Service boundary and one that appears to be just above the USFS boundary. All sites are several miles or more outside the Wilderness, and do not overlap with the eligible segment. A withdrawal on the Uinta River encompasses the potential Forest Service reservoir site and extends into the Wilderness, but does not extend as far as the confluence with Shale Creek.

The State of Utah, Central Utah Project Completion Act office, and various water users and water conservancy districts were concerned about the potential for additional management restrictions to impede high lakes stabilization work in general. Although no reservoirs have been targeted for stabilization in the Uinta River drainage at this time, new proposals may developed as part of ongoing work in the Uinta Basin.

Finally, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Shale Creek is already protected by wilderness management policies.

#### Comments on DEIS

Some individuals, local government officials and water user representatives commented that Wilderness protections are adequate and additional designation under the WSRA would be burdensome and unnecessary. Others specifically stated that WSRA and Wilderness protections are not duplicative, since they address different factors. Moreover, a number of respondents supported designating all segments within existing Wilderness on the basis of their pristine character and the complementary nature of WSR and Wilderness management practices.

Local governments and water conservancy districts have the following specific concerns about rivers in the High Uintas Wilderness:

- Designation may affect operation and maintenance of existing facilities, especially if it means that reservoir releases must be altered to ensure year-round flow in downstream segments or prevent releases that artificially augment flow. This would restrict the exercise of existing water rights and harm water users.
- Some high elevation reservoirs are or may be considered for stabilization in the future. WSR designation could restrict such work. (See, however, CUPCA letter #95 stating that stabilization work appears compatible and could still be completed with WSR designation).
- Since existing reservoirs alter the natural flows, no downstream segments should be considered free-flowing. Shale Creek is frequently cited as an example of this.
- Future projects downstream of eligible segments may be negatively affected, either by management restrictions or by loss of federal funding opportunities, if a segment is designated upstream. This concern is based on language in Sec. 7a of the WSRA. The greatest concern is on the **Uinta River**, where a reservoir is being discussed on FS land below the Wilderness boundary. There is also some concern that the option of expanding Moon Lake (on the Lake Fork River) would be lost if Lake Fork were designated.

Of the three organized campaigns two supported a positive finding of suitability for this segment.

**(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

The Duchesne County General Plan states that special designations, including wild and scenic rivers, “may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.” The County’s position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County’s economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

**(5) Contribution to river system or basin integrity.**

These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Shale Creek and Upper Uinta River segments together.

**(6) Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**

There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.